



Jack D Clemmons
257-16-2531
Norman ~~Krause~~ Krause
John F. Fergus
Frank A. Capel
Federal Bureau of Investigation, Washington,

MR ERNIE LAZAR
APARTMENT 6
577 SOUTH THORNHILL ROAD
PALM SPRINGS, CA 92264 7884

February 26, 2004

MR ERNIE LAZAR
APARTMENT 6
577 SOUTH THORNHILL ROAD
PALM SPRINGS, CA 92264 7884

1964 116cl
checked to release Nixon when Nix on become VP
Kuchel sen
Senate
1953-1969
or GOP ruling
1954-1969
prev. Calif State Controller

Subject: L
FOIPA No

Dear Requester:

Kuchel ~~reife~~ hebel

Subject: LA FILE NO 32 656

$$\#1 = 10/21/64$$

FOIPA No. 0982385- 000

#46 = 11 | 13 | 68

Dear Requester:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

□(b)(1)

(b)(2)

□(b)(3)

□(b)(4)

□(b)(5)

□(b)(6)

□(b)(7)(A)

□(b)(7)(B)

☒ (b)(7)(C)

☒(b)(7)(D)

□(b)(7)(E)

□(b)(7)(F)

□(b)(8)

□(b)(9)

Section 552a

□(d)(5)

□(j)(2)

 $\square(k)(1)$ $\square(k)(2)$

□(k)(3)

□(k)(4)

□(k)(5)

□(k)(6)

□(k)(7)

102 **page(s)** were reviewed and 97 **page(s)** are being released.

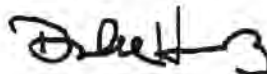
- ☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- ☐ referred to the OGA for review and direct response to you.
 - ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

✉ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☐ See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish.

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

10/21/1964

Total Deleted Page(s) ~ 5

Page 49 ~ b7C

Page 59 ~ Duplicate dupe to serial 9

Page 70 ~ Duplicate dupe to serial 9

Page 71 ~ Duplicate

Page 107 ~ Duplicate dupe to serial 9

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
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F B I

Date: 10/21/64

Transmit the following in **ENCODE**
(Type in plain text or code)Via **TELETYPE** **URGENT**
(Priority)

TO: DIRECTOR

Criminal Records and
ATTENTION: IDENTIFICATION
DIVISIONSFROM: ~~LOS ANGELES~~ LOS ANGELES

SENATOR THOMAS H. KUCHEL, INFORMATION CONCERNING.

[REDACTED] INTELLIGENCE b7C
DIVISION, LAPD, TELEPHONICALLY ADVISED THIS DATE THAT THE
WASHINGTON ADMINISTRATIVE ASSISTANT OF U. S. SENATOR THOMAS H.
KUCHEL *(regarding from City)* FLEW IN FROM WASHINGTON THIS DATE AND CONTACTED THE
LAPD DEMANDING AN IMMEDIATE INVESTIGATION REGARDING AN
ALLEGATION THAT HAD JUST COME TO THE ATTENTION OF SENATOR
KUCHEL THAT THE RECORDS OF THE LAPD REFLECTED SENATOR KUCHEL
WAS ARRESTED AND FINGERPRINTED [REDACTED] b2

[REDACTED] STATED THAT AT THE REQUEST OF SENATOR KUCHEL
HIS DEPARTMENT IS CONDUCTING AN IMMEDIATE INVESTIGATION OF
THE ALLEGATION. HE STATED THE ARRESTING OFFICER WAS NO
LONGER WITH THE POLICE DEPARTMENT, BUT HAD GIVEN AN AFFIDAVIT

[REDACTED] SENATOR THOMAS H. KUCHEL, WHO

JGW/sef
(1)
*ptl*Approved: _____
Special Agent in Charge

Sent _____ M Per _____

Memo to file 32-656-1

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
OCT 21 1964	
FBI - LOS ANGELES	

gn

LA

PAGE TWO

[REDACTED]

[REDACTED] THE MAN ARRESTED UNDER THE NAME SENATOR KUCHEL WAS FINGERPRINTED, HOWEVER, THE FINGERPRINTS WERE NEVER SENT TO WASHINGTON AND NO ACTION WAS TAKEN REGARDING THE ARREST. [REDACTED] SENATOR KUCHEL HAD RECEIVED A COPY OF THIS AFFIDAVIT AND WAS HIGHLY INDIGNANT AT THE ALLEGATION AND DEMANDED A COMPLETE INVESTIGATION TO CLEAR THIS MATTER. [REDACTED] STATED HE HAD REQUESTED SENATOR KUCHEL CONTACT THE FBI IN WASHINGTON, D.C. AND REQUESTED THAT HE BE FINGERPRINTED SO THAT THE PRINTS COULD BE FORWARDED TO THE LAPD FOR COMPARISON WITH THE ARREST PRINTS ON FILE. [REDACTED] STATED IF THE FBI HAD ANY PRIOR FINGERPRINTS OF SENATOR KUCHEL ON FILE THIS WOULD NOT BE NECESSARY. HE REQUESTED THE FBI FINGERPRINT FILES BE SEARCHED AS SENATOR KUCHEL WAS FORMERLY IN THE MILITARY SERVICE AND MAY HAVE BEEN FINGERPRINTED AT THAT TIME. IN THE EVENT FINGERPRINTS ON FILE, HE REQUESTED A COPY OF THE FINGERPRINTS BE MADE AVAILABLE TO HIS DEPARTMENT IN ORDER TO CLARIFY THIS MATTER AND RECTIFY THIS SERIOUS ERROR IN THE EVENT THE PERSON ARRESTED WAS NOT SENATOR KUCHEL. [REDACTED]

[REDACTED] VOLUNTEERED THAT HE FEELS IN VIEW OF THE INFORMATION FURNISHED BY SENATOR KUCHEL, THE RECORDS OF THE LAPD ARE

b2

b7C

b7C

LA

PAGE THREE

INACUURATE AND IF THE FINGERPRINTS OF SENATOR KUCHEL VERIFY THIS, SENATOR KUCHEL-S NAME WILL BE STRICKEN FROM THE ARREST RECORD.

BUREAU REQUESTED TO ADVISE WHETHER FINGERPRINTS WILL BE MADE AVAILABLE.

UNITED STATES GOVERNMENT

Memorandum

TO : FILE

DATE: 10/21/64

FROM : SAC WESLEY G. GRAPP

SUBJECT: THOMAS H. KUCHEL
U. S. SENATOR
INFORMATION CONCERNING
IDENTIFICATION MATTER

Re Los Angeles proposed tel to Bureau this date which was not sent and was converted into a memo to the file.

The substance of referenced proposed tel was telephonically furnished to [redacted] at the Bureau commencing at 3:00 PM. 10/21/64. He stated that KUCHEL's [redacted] is a friend of the Director and Mr. DE LOACH. Yesterday [redacted] contacted the Bureau and stated they were aware of an affidavit that had been signed by a former Los Angeles PD officer, NORMAN KRAUSE or CROUSE (ph.). The affidavit states in effect that in 1949 KRAUSE (ph.) arrested U. S. Senator KUCHEL for [redacted] Yesterday, 10/20/64, in Los Angeles three men appeared in KUCHEL's Los Angeles office with the affidavit. According to available information, Secret Service was called and they "threw out" the three men.

b7C

b2

Earlier this date, 10/21/64, KUCHEL requested FBI personnel to come to his Senate office in Washington and fingerprint him. This idea was rejected by the Bureau, and KUCHEL came to the Bureau earlier this afternoon. KUCHEL requested to see the Director but such did not transpire. KUCHEL desired the FBI to fingerprint him and send his arrest record to the LAPD which should show no arrests. This procedure was likewise rejected. KUCHEL was unofficially guided into having one set of his fingerprints taken and filed at the Bureau under civilian prints. A second set was taken and given to KUCHEL who was to furnish them to his assistant, who was to furnish them to the LAPD. The LAPD could then be requested if KUCHEL desired, and he does, to submit his prints to the Bureau in the normal flow of prints, and they will then get an official identification record back. To do otherwise would be requesting the FBI to give him an official document certifying that he had

WGG:CEA
(2)

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32-656-2

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not been arrested and that our records were negative on him.

The Bureau instructions are:

- (1) To stay entirely out of the matter and not get involved.
- (2) It is permissible to tell the LAPD that they will probably be contacted within the immediate future with a set of fingerprints purported to be those of KUCHEL.
- (3) The LAPD can then take the purported set of fingerprints belonging to KUCHEL (they actually are his prints) and have them submitted to the Identification Division for classification, comparison and an identification record request.

The Bureau is to be kept advised.

The above leads are to be handled exclusively by
Supervisor

b7C

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, Los Angeles (32-656)

DATE: 10/26/64

FROM : [REDACTED]

b7C

SUBJECT: THOMAS H. KUCHEL
U. S. SENATOR
INFORMATION CONCERNING -
IDENTIFICATION MATTER

On 10/22/64, [REDACTED] Intelligence Division, Los Angeles PD, was telephonically contacted. [REDACTED] advised that [REDACTED] was attending the LEIU Conference in Phoenix, Arizona and would be out of town until Monday, 10/26/64.

b7C

[REDACTED] stated he was completely familiar with the KUCHEL matter and was handling this investigation in [REDACTED] absence. [REDACTED] stated Senator KUCHEL's [REDACTED] had telephonically informed him that Senator KUCHEL was fingerprinted by the FBI in Washington, D.C. The FBI kept one set of Senator KUCHEL's fingerprints for their records and the other copy was furnished to Senator KUCHEL. [REDACTED] informed [REDACTED] that the Senator's prints were being forwarded AM-SD to the Los Angeles PD for comparison with the fingerprint card on file. [REDACTED] volunteered that there was some question in his mind regarding this incident as the police report showed the man arrested had complete identification in the name of THOMAS HENRY KUCHEL. For some reason not explained in the report, the man arrested was booked and it was not until two hours later that he was fingerprinted. This raises the question as to whether the man arrested was the same man who was fingerprinted.

b7C

In accordance with the information furnished by [REDACTED] it was suggested that [REDACTED] Department consider forwarding the fingerprints of the man purporting to be KUCHEL to the Identification Division of the FBI for classification, comparison and an Identification Record. It was also suggested that he should consider forwarding a copy of Senator KUCHEL's fingerprints to the Identification Division for an identification record.

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[REDACTED] stated he would discuss this matter with [REDACTED] upon his return and expressed his

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(1)

32-656-3

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FBI - LOS ANGELES	

LA 32-656

appreciation for the assistance rendered by the FBI in
this matter.

TRUE COPY

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

NORMAN H. KRAUSE, of full age, being duly sworn upon his oath according to law, deposes and says that:

I am a ex-member of the Los Angeles Police Department and resided at 1980 North Topanga Street, Topanga Canyon, Los Angeles, California. During the period approximately in the latter part of 1949, while I was a member of the Motorcycle Division working out of the Traffic Enforcement Section, Central Office, Los Angeles Police Department, and while on duty together with [REDACTED] I observed an automobile which was weaving on the road. [REDACTED]

b7C

[REDACTED] and myself pulled up beside the vehicle and brought it to a halt. At the wheel was an individual who was employed as [REDACTED] [REDACTED] and alongside him on the front seat was a man I later learned was the then State Comptroller Thomas H. Kuchel. [REDACTED] I observed that [REDACTED]

We placed both subjects under arrest, and took them to the Wilshire Police Station. After Kuchel identified himself, the Lieutenant on Desk Duty was reluctant to book him. After contact had been made with Deputy Chief of Police, Bernard Caldwell, both subjects were [REDACTED] The arrest records contained the details and circumstances of the arrests [REDACTED] incident. The entry was made on the police blotter. Both men were fingerprinted and photographed. A Sergeant and a [REDACTED]

b2

b7C

TRUE COPY

Both were present at the Wilshire precinct at the time. Subjects were fingerprinted as usual with three sets made. One for the Los Angeles Police Department, one for the State Bureau for Criminal Identification and one for the Federal Bureau of Investigation. The case was never brought to trial, although a full arrest record had been made, and the arrest entered on the police blotter.

/s/

Norman H. Krause
Norman H. Krause

Seen before me this 3rd day of
June, 1964.

W. N. Robertson /s/
Notary Public, County of Los Angeles,
State of California.

W. N. ROBERTSON
My Commission Expires June 16, 1966

11/7/64

AIRTEL

TO: DIRECTOR, FBI
ATTENTION: CRIME RECORDS

FROM: SAC, SAN DIEGO (62-New)(C)

U. S. SENATOR WILLIAM H. KUCHEL (R-Calif)
INFORMATION CONCERNING

62-602 *
62-71-425
62-71-288
Refer. No.
sub 2-1
11-1-62.

Enclosed herewith for the Bureau's information is a true copy of an affidavit concerning captioned individual. The true copy was made from a photostat furnished to this office by [redacted] Rancho Santa Fe, California, on 11/4/64.

Enclosed herewith for information of SAC, Los Angeles and SAC, San Francisco is one copy each of the affidavit.

b7C

No further action being taken by San Diego in this matter and the photostat is being returned to [redacted]

- 3 - Bureau (Enc 1)
- ① - SAC, Los Angeles (PERSONAL ATTENTION) (Enc 1)
- 1 - SAC, San Francisco (PERSONAL ATTENTION) (Enc 1)
- 2 - San Diego (1 - 62-New)
(1 - 62-827) [redacted]

- affidavit of Wm. H. Krause
6/3/64

RSE:jmh
(7)

62-602-5-

SEARCHED	INDEXED
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FBI - LOS ANGELES	

Director, FBI

11/18/64

mg
SAC, Los Angeles (32-656)(c)

ATTENTION: CRIME RECORDS

THOMAS H. KUCHEL
U. S. SENATOR (R-CALIFORNIA)
INFORMATION CONCERNING
IDENTIFICATION MATTER

Re San Diego airtel to Director, 11/7/64.

[redacted] Intelligence Division.
Los Angeles Police Department, was contacted by SA [redacted]
on 11/17/64 regarding another matter. At that time
[redacted] volunteered that the Intelligence Division
had conducted an investigation of the alleged arrest of
Senator THOMAS H. KUCHEL on a charge [redacted] This
investigation grew out of an affidavit from a former Los Angeles b7C
Police Officer, NORMAN H. KRAUSE, alleging that during the
latter part of 1949 he had arrested State Comptroller THOMAS H. b2
KUCHEL on a [redacted] At the time of the arrest
KUCHEL was allegedly [redacted]
with [redacted] of the State of California. The
two men arrested were booked and fingerprinted, however, their
fingerprints were never forwarded to Sacramento or to the
FBI in Washington, D.C.

✓ This affidavit came to the attention of Senator
KUCHEL, former California State Comptroller, who demanded an
immediate investigation by the Los Angeles Police Department.
Senator KUCHEL arranged to be fingerprinted at FBI Headquarters
in Washington, D.C. and a copy of his prints were forwarded
to the Los Angeles Police Department for comparison with the
prints on file at the Los Angeles Police Department. [redacted]
[redacted] stated that the fingerprints of Senator KUCHEL that were b7C
taken by the FBI did not match either of the fingerprints
on file for the two men that were arrested. He added that
the Los Angeles Police Department has no record in its files
of any arrest of Senator KUCHEL. [redacted] volunteered
that when the two individuals mentioned in the affidavit were
arrested and fingerprinted, copies of the fingerprints were
not sent to the Identification Division of the State Department
of Justice at Sacramento, California. He advised this is
contrary to the routine procedure for handling such fingerprints

- 2 - Bureau (REGISTERED)
- 1 - SAC, San Diego (PERSONAL ATTENTION) (REGISTERED)
- 1 - SAC, San Francisco (PERSONAL ATTENTION) (REGISTERED)
- ① - Los Angeles

JGW/sef
(5) *ok*

JOV
LOSE

32-656-6

*all activities
in R. H. W. C.*

LA 32-656

and he does not know why they were not submitted. He stated that there appears to have been some changes made in the signed arrest report, which causes him to question the whole incident. He commented that appointees to positions in the California State Government have not been fingerprinted as a matter of policy by the State Agency employing them and in some instances these persons have been employed for many years without a fingerprint check.

[redacted] stated [redacted] who participated in the arrest in question had been interviewed and stated that he is sure the person arrested had all the identification papers indicating he was THOMAS H. KUCHEL, State Comptroller. This police officer was unable, however, to identify a photograph of Senator THOMAS H. KUCHEL. He added, however, that after 14 years he was unable to recall the appearance of the persons arrested.

b7C

He further advised that copies of the affidavit in question had been distributed throughout the country and that Senator KUCHEL was considering taking legal action.

[redacted] stated Senator KUCHEL had pressed him for a personal recommendation as to whether he should take any legal action, however, he informed the Senator that in view of the probable wide-spread publicity that would be afforded any legal action, the decision must be made solely by the Senator.

b7C

[redacted] advised that Senator KUCHEL was coming to Los Angeles on 12/3/64 and anticipated that the Senator would inform him at that time as to whether he would pursue the matter any further. [redacted] added that his Department was conducting no further investigation of this incident unless Senator KUCHEL desired some further action.

b7C

[redacted] Los Angeles Police Department, who requested his identity be concealed and his information be retained in the strictest confidence, advised [redacted] that the fingerprints on file at the Los Angeles Police Department of the two men arrested in 1949 were the fingerprints of the [redacted]

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b7C

[redacted] did not name these men, however, pointed out that [redacted]

b7C

LA 32-656



b7C

b7D

It is requested this information not be discussed outside the Bureau.

No action is being taken by the Los Angeles office in this matter, and the above is being submitted as a matter of information.

UNITED STATES GOVERNMENT

Memorandum

TO : FILE

DATE: December 1, 1964

FROM : FILE REVIEW AND SUMMARY CLERK:

b7C

SUBJECT: JOHN F. FERGUS
aka Jack Fergus

The following is a summary of information obtained from a review of all references as of December 1, 1964 to the Subject in the Los Angeles Office files under the name and alias listed.

All references that are identical or possibly identical to the Subject have been included. This Summary is designated to furnish a synopsis of the information set out in each reference.

THIS SERIAL IS NOT TO BE
REMOVED FROM THIS FILE.

32-656-7

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
1 1964	
FBI — LOS ANGELES	

[Signature]

62-0-41636

Typed letter to FBI Los Angeles dated June 20, 1962 from JOHN F. FERGUS, 7166 W. 93rd Place, Los Angeles 45, California.

Mr. FERGUS requests a copy of the speech delivered by J. EDGAR HOOVER at the time he received the VALLEY FORGE FREEDOM AWARD. The letter further requests any other copies of speeches delivered by Mr. HOOVER within the past year.

Date furnished: Date stamped
Los Angeles 6/21/62.

Source: JOHN F. FERUS
7166 W. 93rd. Pl.
Los Angeles 45, Calif.

No further documentation.

62-0-41636A

Letter to JOHN F. FERGUS, 7166 West 93rd. Place, Los Angeles 45, California from SAC Los Angeles dated June 29, 1962.

This letter acknowledges the letter described in 62-0-41636 and suggests that Mr. FERGUS directs his request to the Federal Bureau of Investigation, Washington, D.C.

Source: SAC, Los Angeles
FBI.

No further documentation.

80-406-150

Calling card of JOHN F. FERGUS, Knights of Columbus Life Insurance for the Catholic Family. Insurance advisor, 7166 W. 93rd Place, Los Angeles 45, Calif. ORchard 0-0112.

The following notation is hand-written below this mounted calling card: "Given about 5:00 at Reception Room on 9-4-59.

No documentation.

100-0-66228

Memo to SAC, Los Angeles from ASAC, W. M. ALEXANDER dated 12/12/58, Re. JOHN F. FERGUS - Information Concerning.

On Tuesday, 12/9/58, Mr. JOHN F. FERGUS, Supreme Council representative, Knights of Columbus, 7166 West 93rd Place, Los Angeles, called at the Los Angeles Office, and in your absence, I talked to him.

Mr. FERGUS stated he and some mebers of the Knights of Columbus had been having discussions relative to the menace of Communism, and he wanted to get some information, advice, and opinions from the FBI relative to Communism so he could make a decision as to possibly initiating various KC orders to hold discussion groups concerning communism.

I told Mrs. FERGUS that I could give him no opinions, information, or advice relative to whether or not Communism was a menace and that the decision was one that he should make for himself inasmuch as I was not in a position to advise him. I pointed out to Mr. FERGUS that he might want to establish a committee to do some research relative to Communism in public libraries and other places and then arrive at a firm decision as to whether or not Communism was to be the subject of discussions before the KC groups.

Mr. FERGUS wanted to know whether the FBI supplied speakers to appear before vrious groups on the subject of Communism, and I advised him that we did not. He then asked me if I could recommend anyone in the Los Angeles area who was supposedly an authority on Communism, and I told him that I could not. I then pointed out to him that this might be a matter which he would care to discuss with [redacted] or some of his assistants who might be in a position to advise him along this line.

b7C

Mr. FERGUS thanked me for being so courteous and stated he would probably contact [redacted] office.

b7C

Date furnished: 12/9/58, Los Angeles
By: ASAC, W. M. ALEXANDER
Source: JOHN F. FERGUS interview.
Original: Oral

100-2700-340

Complaint Form re. AMERICAN FRIENDS SERVICE
COMMITTEE dated 11/4/60, Complainant: JOHN F. FERGUS,
7166 W. 93rd. Place, Los Angeles.

JOHN F. FERGUS brought into the office a photostat
copy of a report he prepared on Subject Organization.
This information is attached to this complaint.

(Refer to literature in this file for detailed
information)

Date furnished: 11/4/60

Agent: [REDACTED]

Source: JOHN F. FERGUS
7166 W. 93rd. Place,
Los Angeles, Calif.

b7C

Original Complaint.

100-16439-1731

Complaint dated 7/12/60, re. CULVER CITY
DEMOCRATIC CLUB, Complainant: JOHN F. FERGUS

Complainant is a member of the Knights of Columbus.
Recently, his group tried to find out how the
Communists acted, and what was their line that they
handed to people. They decided that the best way
to approach this was to attend known communist
inspired meetings. Complainant displayed a report
of a meeting held by the CULVER CITY DEMOCRATIC
CLUB, the principal speaker was FRANK WILINSON,
which some members of the KC had attended.

Complainant realizes that the FBI cannot cover
all of these communist meetings and offered his
help in covering any meeting that the FBI could
not handle. Complainant stated that they have
members all over the county of Los Angeles willing
to do this work.

Complainant was thanked for his offer of assistance
and told that we would contact him if his help was
ever needed.

Date furnished: 7/13/60

Agent: IC [REDACTED]

Source: Complainant: JOHN F. FERGUS
7166 W. 93rd. Place
Los Angeles, Calif.

b7C

Original Complaint.

100-41016-3169

Memo to SAC, Los Angeles from SA [redacted]
[redacted] dated 8/14/63. Re. CITIZENS COMMITTEE
TO PRESERVE AMERICAN FREEDOMS IS-C

p.3,10

Information concerning the captioned meeting was
furnished by [redacted]

[redacted] She stated
that another observer at this meeting was JACK
FERGUS who was a friend presently employed in
the Americanism department of Schick Razor Company
in Los Angeles. She stated that when all of the
lights in the hall were turned out, [redacted]

b7C

b7D

[redacted] FERGUS was a witness to this.

Date furnished: 7/20/63

Agent: [redacted]

Source: [redacted]

Desires that her identity
be concealed.

Original: See 100-41016-3150.

100-59811-2

Memo to SAC, Los Angeles from SA [redacted]
dated Aug. 4, 1960, Re. AMERICAN COALITION
OF PATRIOTIC SOCIETIES - INFORMATION CONCERNING.

On 8/3/60 [redacted]
Shrine Auditorium, Los Angeles telephonically advised
that he had been in receipt of a request from one
JOHN F. FERGUS, 7166 W. 93rd Place, Los Angeles,
representing the AMERICAN COALITION OF PATRIOTIC
SOCIETIES, to rent the Shrine Auditorium on 9/27/60.
FERGUS was to appear at [redacted] office on the
afternoon of 8/3/60. [redacted] stated that he was
suspicious of this group and requested information
concerning it.

b7C

Date furnished: 8/3/60

Agent: [redacted]

Source: [redacted]

b7C

Auditorium, 665 W. Jefferson
Blvd., Los Angeles, Calif.

Original: Oral

100-59811-2
Cont'd.

SA [] discussed this with [] and later personally contacted [] and solicited his services as a source of information. He stated that he would be pleased to be of service at any time when contacted by a representative of the FBI.

SA [] advised [] that the AMERICAN COALITION OF PATRIOTIC SOCIETIES has been reported to the Los Angeles FBI Office as an anti-Communist organization with headquarters in Washington, D.C. It is composed of a number of groups, one of them being the captioned organization, and it was proposed that an anti-Communist rally was scheduled at the Shrine Auditorium on 9/28/60, to dispel public apathy concerning the dangers of Communism. This organization had made a documentary film in cooperation with the House Committee on Un-American Activities, which had been seen on TV by SA [] b7C

SA [] advised [] that generally the FBI referred inquiries of this type to the Subversive Activities Control Board, Washington, D.C., however, since time was of the essence, and the apparent activity of the organization was anti-Communist in nature, he was being furnished the information.

No documentation.

UNITED STATES GOVERNMENT

Memorandum

TO : FILE

DATE: December 2, 1964

FROM : FILE REVIEW AND SUMMARY CLERK:
[REDACTED]

b7C

SUBJECT: FRANK A. CAPELL

The following is a summary of information obtained from a review of all references as of December 2, 1964 to the Subject in the Los Angeles Office files under the name listed.

All references that are identical or possibly identical to the Subject have been included. This Summary is designated to furnish a synopsis of the information set out in each reference.

THIS SERIAL IS NOT TO BE
REMOVED FROM THIS FILE.

32-656-8

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
DEC 2 1964	
FBI - LOS ANGELES	

[Handwritten signature]

b2

Case opened June 19, 1964, Re. FRANK CAPELL;
[redacted] - Impersonation.

Ser. 2

Memo to SAC, Los Angeles from SA [redacted]
dated 7/8/64, Re. FRANK CAPELL; [redacted] -
Impersonation.

On 6/25/64, [redacted]
employed at the [redacted] Beverly Hills, advised that
at 8:00 p.m. on 6/18/64, he had attended an anti-
communist meeting at the Beverly Hilton Hotel.
He attended this meeting at the insistence of his
wife and her friends, who are extremely interested
and are getting involved in the anti-communist
activities.

b7C

A speaker at this meeting was FRANK CAPELL. He
did not mention any FBI affiliation. He did say
that he was in 1942, an investigator for a local
police department on the east coast and as such
had cooperated whole heartedly with the FBI in
the investigation of communists. He told many
interesting "cloak and dagger" stories.

[redacted] said he never met [redacted] but his
name had been mentioned by some of his wife's
friends as also being a leader in the anti-communist
movement. He had heard that [redacted] had at one
time been a FBI Agent.

b7C

[redacted] stated that there was no impersonation
that he knows of and that the only reason he
contacted SA [redacted] of the FBI was to insure
himself that these men were on the up and up.

Date furnished: 6/25/64

Agent: [redacted]

Source: [redacted]

Original: oral

b7C

File Review Note: There are only two serials in
this file. Ser. 1 is a memo by SA [redacted] which
sets forth the original contact with the FBI by
[redacted] The case was closed on the basis
of the information contained in serial 2.

100-0-70664

Complaint dated 9/9/64, Re. HERALD OF FREEDOM,
editor FRANK A. CAPELL, Box 333, 45 Bay St.,
Stanton Island, New York. The Complainant is
[redacted] Los Angeles,

b7C

Complainant advised that he had recently returned from a trip to Mexico. He related that the captioned literature is a four page article and was received in Mexico by a very wealthy and influential family in Mexico, who in turn, gave it to him.

Complainant stated that the article charges ADLAI STEVENSON as being a homosexual, of having communist-socialist tendencies, and of being a serious security risk. Complainant stated that 12 to 15 other people are named in association with STEVENSON, some charged with being security risks. ELEANOR ROOSEVELT is indicated to be a "communist fronter" and a "racial agitator".

Complainant stated his primary concern is that regardless of whether or not all or some of the charges are true, the literature is apparently being sent to various individuals out of the country, which gives a very poor impression of the United States.

Complainant advised that CAPELL's day phone is shown in the article as being GI 2-2340, Stanton Island, New York, and his evening phone as 469-2088, Bound Brook, N.J.

Complainant called this office to report the above information and to obtain any background information on the HERALD OF FREEDOM and FRANK CAPELL. Complainant was advised of the confidential nature of the FBI files. It was explained to the Complainant that the writer did not mean to imply that this office has or does not have information concerning CAPELL or the captioned literature.

Date furnished: 9/9/64

By: IC [redacted]

Source: Complainant, [redacted]

b7C

[redacted]
Los Angeles, Calif.
(Telephonically)

Original complaint.

100-4486-9474

CC memo to the Director from SAC, New York
dated 4/20/64, Re. FRANK A. CAPELL - Information
Concerning (Internal Security)

This serial is being made a xerox copy and
included as a part of this Summary Memo on
pages 5 thru 7. The documentation is
clearly set forth in this serial.

DIRECTOR, FBI [REDACTED]

b2

4/20/64

SAC, NEW YORK [REDACTED]

b7D

FRANK A. CAPELL
INFORMATION CONCERNING
(INTERNAL SECURITY)

ReBulet to NY, 4/2/64, captioned as above, a copy of which is enclosed herewith for the information of the Los Angeles Office. Enclosed also for Los Angeles, is a copy of a memorandum entitled, "DOROTHY R. HEALY", which, as indicated in reBulet, was made available to the Bureau by Mr. J.G. SOURWINE, Chief Counsel, Senate Internal Security Subcommittee. Mr. SOURWINE had received this information concerning "HEALY" from CAPELL.

For the additional information of the Los Angeles Office, FRANK A. CAPELL, a resident of Staten Island, NY [REDACTED]

b7D

[REDACTED] January, 1962, when he became publically involved in anti-communist activity. Since that time, CAPELL has been publishing a bi-monthly newsletter entitled, "The Herald of Freedom", which is widely distributed in the New York area as well as other parts of the country. Basically this periodical, in CAPELL's description is an expose of communist subversion in the United States.

Pursuant to Bureau instructions, interviews with CAPELL were commenced on 4/13/64 and 4/16/64, regarding the information he furnished to Mr. SOURWINE. At the outset of such interviews, CAPELL explained that he had not intended the information to be passed on to the Bureau by SOURWINE. He stated that he intended that the material be utilized as "lead" information for the Senate Internal

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b7D

3 - Bureau [REDACTED] (RM)
(1 - 100-18459) (DOROTHY HEALEY)
(2) - Los Angeles (100-4486) (DOROTHY HEALEY) (Encls. 2) (RM)
1 - New York (100-95704) (DOROTHY HEALEY)
1 - New York [REDACTED]

b2

b7D

VJS:kmk
(7)

100-4486-7474

SEARCHED	INDEXED
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NY

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b7D

Security Subcommittee, or possibly for use in questioning witnesses that might be brought before the Subcommittee in future hearings. CAPELL stated that he is aware of the fact that the Bureau is interested in facts and accurate conclusions, as opposed to presumptions and suppositions. He advised that he would nevertheless attempt to clarify any of the information he furnished to Mr. SOURWINE.

One of the subjects discussed with CAPELL on 4/16/64, was DOROTHY HEALEY, Chairman of the Southern California District of the CP. It should be noted that during this interview concerning HEALEY, it became very apparent that CAPELL's conclusions on certain items were entirely unfounded. The logic used by CAPELL in this and other interviews, was difficult to understand, and the conclusions reached by him seemed totally unsupported by fact.

Concerning the information that DOROTHY HEALEY was designated to become head of the CP on orders from Moscow, CAPELL stated that his source for this information is a "person in Soviet Intelligence" whose name is unknown to him. He stated that this information was received through a "double cutoff", that is, it was furnished by the original source to two intermediaries, who in turn advised his source, who in turn furnished him with the information. CAPELL stated that the "two intermediaries" are unknown to one another, and that he could not divulge his own source. He stated that a "well informed police source" has verified the information. After some hesitation, CAPELL stated that the "well informed police source" is

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NYC.

He advised that this source informed him that DOROTHY HEALEY had come East to attend some secret strategy meetings of a few CP people. CAPELL stated that his source informed him that HEALEY was entertained by these individuals to an extent far beyond what her status as a mere District leader would call for. He stated that this indicates to him that HEALEY could very possibly be the new leader of the CP.

NY

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CAPELL further advised that he learned from a confidential Police source on the West Coast, whom he declined to name, that when GUS HALL made a trip to the West Coast, he slept with DOROTHY HEALEY. He advised that if such information became available to the general membership, they would undoubtedly look upon HALL, as head of the CP, with disfavor.

CAPELL stated that the personal background set forth in his memorandum regarding DOROTHY HEALEY was obtained through research and public source material.

He further advised that the same source who furnished the information about HEALEY taking over the leadership of the CP, also furnished the information that she has been credited with getting important people into the CP in Oakland, California. CAPELL stated that according to this source, HEALEY was responsible for recruiting J. ROBERT OPPENHEIMER and JOSEPH KENNEDY, Jr. into the same CP unit in Oakland, California, in 1940. He identified JOSEPH KENNEDY, Jr. as the deceased brother of late President JOHN F. KENNEDY. He stated that JOSEPH KENNEDY, Jr. was a protege of HAROLD LASKY and attended the London School of Economics. CAPELL was unable to furnish any additional information on this point, and stated he did not know the names of any other important people recruited into the CP by DOROTHY HEALEY.

Pursuant to Bureau instructions, the Los Angeles Office is requested to review the above information furnished by CAPELL regarding DOROTHY HEALEY, and furnish comments concerning the accuracy and reliability of the information. In addition, a recommendation should be made as to whether further investigation concerning this information is warranted.

The NYO will continue to conduct interviews with CAPELL regarding the other individuals on whom he furnished information. The results will be submitted to the Bureau with appropriate comments and recommendations, under the individual case captions.

Director, Federal Bureau of Investigation

November 24, 1964

HJM:JJC:bf

Herbert J. Miller, Jr.
Assistant Attorney General
Criminal Division

Unknown Subjects; Impersonation -
[redacted] Complainant

b7C

[redacted]
Thomas H. Kuchel of California has brought the following information to the attention of the Department.

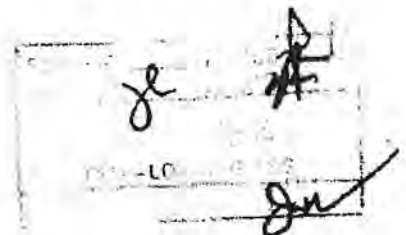
On or about June 3, 1964, one Norman H. Krause allegedly executed an affidavit at Los Angeles, California in which he states that during the latter part of 1949 while he was a member of the Los Angeles Police Department, he and Officer [redacted] arrested Senator Kuchel, then said to be Comptroller of the State of California, and an individual referred to as Deputy Comptroller for the reasons set forth in the affidavit.

According to [redacted] the affiant, Norman H. Krause, on dates unknown, has been approached by various individuals on three separate occasions with respect to this affidavit. Information received from [redacted] further indicates Senator Kuchel has been informed by the Chief of Police of Los Angeles that when Krause was approached the second time, the contact was made by Frank A. Capell, Editor of "The Herald of Freedom," Box 333, Staten Island, New York, and one [redacted]. At that time the individual known as [redacted] allegedly represented to Krause that he, [redacted] was a "federal agent" and demanded that Krause furnish to him and Capell the above affidavit.

b7C

Inasmuch as the aforesaid approach to Krause by Capell and [redacted] may possibly constitute a violation of 18 USC 912 relating to false personation of an officer or employee of the United States, it is requested that your Bureau conduct such investigation as may appear to be indicated with a view to ascertaining whether there has been such a violation subject to prosecution at this time.

b7C



32-656-9

For your information copies of the following material are attached:

Affidavit of Norman H. Krause sworn to on June 3, 1964.

Letter of August 28, 1964 from [redacted] to Senator Kuchel.

Letter of September 4, 1964 from H. B. Montague, Chief Inspector, Post Office Department to Senator Kuchel.

Vol. VI, No. 6, dated October 23, 1964 of "The Herald of Freedom."

Declaration of [redacted] dated October 19, 1964.

b7C

With reference to the Declaration of [redacted] we have been informed by [redacted] of the Secret Service that subsequent to the visit of the three men as described therein that Service determined that one of the three men was [redacted]. The identity of the other individuals is unknown, however.

Thank you for your attention to this matter.

Attachments

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

) S. S.
)

(NORMAN H. KRAUSE) of full age, being duly sworn upon his oath according to law, deposes and says that:

I am a ex-member of the Los Angeles Police Department and reside at 1980 North Topanga Street, Topanga Canyon, Los Angeles, California. During the period approximately in the latter part of 1949, while I was a member of the Motorcycle Division working out of the Traffic Enforcement Section, Central Office, Los Angeles Police Department, and while on duty together with Officer [redacted]

[redacted] I observed an automobile which was weaving on the road. Officer [redacted] and myself pulled up beside the vehicle and brought it to a halt. At the wheel was an individual who was employed as [redacted] [redacted] and alongside him on the front seat was a man I later learned was the then State Comptroller Thomas H. Kuchel.

We placed both subjects under arrest, and took them to the Wilshire Police Station. After Kuchel identified himself, the Lieutenant on Desk Duty was reluctant to book him. After contact had been made with Deputy Chief of Police, Bernard Caldwell, both subjects were [redacted]

b7C

The arrest records contained the details and circumstances of the arrests [redacted] The entry was made on the police blotter. Both men were fingerprinted and photographed. A Sergeant and [redacted] were both present at the Wilshire precinct at the time. Subjects were fingerprinted as usual with three sets made. One for the Los Angeles Police Department, one for the State Bureau for Criminal Identification and one for the Federal Bureau of Investigation. The case was never brought to trial, although a full arrest record had been made, and the arrest entered on the police blotter.

Norman H. Krause

Sworn before me this 31st day of

June, 1964.

28 August 1964

The Honorable Thomas H. Kuchel
The United States Senate
Washington 25, D.C.

Dear Senator,

This is a personal letter. Because it is so very personal, I have taken the precaution to mark the envelope, " To be opened only by Senator Kuchel ".

Over the years it has been recognized that one of the most potent weapons in the arsenal of the Communist conspiracy is that of blackmail.

I am always interested in the turning of the point of such dastardly tactics so as to pierce the blackmailer rather than the victim.

You are well known for your extremely liberal views. Indeed, you are also well known as an anti-anti-Communist. For example you were featured very prominently on the Roger Mud CBS TV program the evening of the 13th November 1963. This program, with your help, vainly tried to ridicule and destroy the public image of the truly Honorable James B. Utt and the equally honorable Lt. General P. A. del Valle, one of the very few great patriots of our time. I was so incensed at such smear tactics that I wrote you a letter of protest that same evening.

Why it is that your voting record in the 1st session of the 88th Congress, for example, is so unfavorable to conservative-minded Americans, and why you are so obviously opposed to those who would fight in the cause of Christianity and America against the Communist conspiracy, is something that could perhaps be explained by pressures of entrapment and/or blackmail.

I, and many others, also now know all the details of your police record as entered on the police blotter of the Wilshire Police Station in Los Angeles in 1949. Hence, if that record was, or is, being used to coerce you, it has now lost its potency because of having become common knowledge. I need hardly tell you that you are now in a position to turn upon your tormentors. I am not interested in you or your politics. It is a free country, if not always an honest one. However, I am interested in why your case was never brought to trial.

[redacted] and the arrest records contained the details and circumstances of the [redacted] including the [redacted] and yet you were never brought to trial. Why? Who was it who quashed the normal due processes of law? As I said, I am not interested in you, but I am interested in the person, or persons, capable of exercising such unlawful and unconstitutional power. The black-mailer(s)? As I see it, you have already lost about everything a man could lose, including his self respect. With nothing more to lose, your future actions could possibly atone for past misdeeds to some degree. I would like to receive from you the details of how your case was quashed, the identity of the principal who exercised the power, and the terms or conditions under which exercised.

With the expectation of an early reply, I am,

Very truly yours,

[redacted]
Springfield, Va. 22151

b7C

82-6000
Jan 82 1964
FBI

POST OFFICE DEPARTMENT
CHIEF POSTAL INSPECTOR
WASHINGTON, D. C. 20260

September 4, 1964

Honorable Thomas H. Kuchel
United States Senate
Washington, D. C. 20510

Attention: [REDACTED]

Dear Senator:

As requested, herewith is the objectionable communication addressed to you from [REDACTED] of Springfield, Virginia.

As you know, the nature of the missive necessitated its referral to the General Counsel for a ruling as to mailability. That official today advised: [REDACTED] refers to the 'extremely liberal views' of the Senator and implies Senator Kuchel's voting as he does, in a manner stated to be 'so unfavorable to conservative-minded Americans,' is something 'that could perhaps be explained by pressures of entrapment and/or blackmail.' The writer then refers to the Senator's alleged police record and the fact that he was never brought to trial, and demands to be informed how the case was quashed, who was responsible for this action, and the terms or conditions under which it was done."

b7C

"Although [REDACTED] several times uses the term 'blackmail,' he; himself, has avoided any threat to take action injurious to the reputation of the Senator or to accuse him of a crime, and it is not believed that his language could be construed to constitute a demand for money or other thing of value. Accordingly, it is our opinion that the mailing of this letter did not violate the provisions of 18 U. S. Code 876."

In view of the foregoing no action by this Service is feasible. Thank you for forwarding this letter here for our examination. If we can be of assistance at any time in the future, please contact us.

Sincerely yours,

H. B. Montague

H. B. Montague
Chief Inspector

Enclosure

32-656-12

SEARCHED	INDEXED
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SEP 10 1964	
FBI - WASH DC	

[Handwritten signature]

The Herald of Freedom



BOX 333 45 BAY STREET STATEN ISLAND 1, N. Y.

VOLUME VI, Number 6

October 23, 1964

WASHINGTON WHITEWASH

A frantic effort is being made to cover up the most shocking scandals involving persons high up in government and the part played knowingly by the Administration. Several newspapers know some of the details but may not be willing to print them. "The Herald of Freedom" with sincere regret, without malice, and in the public interest deems it an obligation to bring out the truth regardless of the consequences.

An attempt is being made to convey to the American public that President Johnson and his advisers were unaware of the homosexual background of Presidential Assistant Walter Jenkins, just as he supposedly knew nothing of Bobby Baker's financial deals. However, Washington newsmen have learned that the F.B.I. delivered by hand a memo to Lyndon B. Johnson in 1959 containing the full details of Walter Jenkins' homosexual arrest at that time.

During the New Deal Days there was the case of Laughlin Currie, an Assistant to the President who was a Communist and espionage agent for the Soviets. There was Michael Greenberg, another Communist and espionage agent, also a White House Assistant. There was David K. Niles who was a homosexual, a Communist and an espionage agent. The F.B.I. had done its duty by supplying full detailed reports on the background of these traitors but nothing was done.

When the Jenkins homosexual arrest was made Abe Fortas and Clark Clifford went in person to the three leading Washington, D. C. newspapers and tried to get them to kill the story or at least soft pedal it. Jenkins was observed committing the crime of sodomy by two Vice Squad men. The papers have tried to pass it off as a "morals" offense or act of indecency. The truth is that Jenkins was so far advanced in his homosexual practices and so bold that he used the public toilet of a YMCA where a novice or beginner would have used utmost secrecy.

Clark Clifford, who tried to suppress this story, was a Special Counsel to the President under President Truman. He personally received from

the F.B.I. a detailed summary report entitled "Soviet Activities in the U.S.," dated July 25, 1946. The report detailed the activities of a group of Communists engaged in espionage, all of whom were key people. Senate Hearings held years later revealed the individuals as Communists and espionage agents, yet they remained in government jobs, many in high places. Those mentioned in the F.B.I. report received by Clark Clifford were Harold Glasser, Solomon Adler, Victor Perlo, Frank V. Coe, Nathan Gregory Silvermaster, William Ullmann, William Taylor and Maurice Halperin. The F.B.I. reports, instead of causing their immediate dismissal and possible prosecution, actually resulted in a number of promotions.

Abe Fortas and Clark Clifford have been described by the N. Y. "Herald Tribune" as "friends and unofficial advisers to President Johnson." Abe Fortas has a documented history of affiliation with known Communist fronts, has aided Communists and was a close associate of individuals exposed as Soviet agents. With "friends and advisers" of this type influencing the President of the United States, we have much to be concerned about in regard to the security of our country.

There has been a continuous wanton disregard for security information supplied by the F.B.I. Many Communists, Communist frontiers, race agitators, radicals, etc. have been entertained in the White House. The Jenkins Case has its security angles since the man arrested with him, Andy Choka, was reported under investigation by the F.B.I. as a subversive.

An admitted prostitute in Washington, D. C. who was apparently in great fear went to a private detective recently seeking help. He told her that if he were to try to help her, she would have to tell him her whole story. This she did, and it took five hours of tape recording to get it all on the record. From this and other sources a shocking tale unfolds as to corruption in high places in our nation's capitol, reaching right into the White House itself.

32-686-13

WASHINGTON WHITEWASH (cont.)

"She stated she had been employed by Walter Jenkins and Bobby Baker to entertain sexually key people in both Houses of Congress and others in government positions for the purpose of obtaining evidence which could be used for blackmail or pressure purposes politically.

Through other sources we know that the German girl, Ellen (Emmy) Rometsch, was used for the same purposes. She maintained a suite at a convenient hotel, just down the street from the Senate Office Building and the Capitol. Mrs. Rometsch met the victims at Bobby Baker's Quorum Club in the Carroll Arms Hotel and then entertained them in her private suite where the evidence was obtained. Many Congressmen, Senators, officials, politicians, etc. were entrapped in this way. All the facts concerning those involved are known to the F.B.I., including the facts that among those who enjoyed the favors offered by the Baker set-up were reported to be Pierre Salinger, Sen. Hubert Humphrey and P. Kenneth O'Donnell, Presidential Assistant who is a hold-over from the Kennedy Administration who is still on the scene.

Ellen Rometsch was quietly spirited out of the country and back to West Germany, where her husband, Rolf Rometsch, an Army sergeant, promptly divorced her. The C. I. A., on orders from Washington, pressured Mrs. Rometsch, after her arrival in Germany, to sign a statement that she had not been intimate with any American officials while in the United States. Does the C. I. A. require such assurances from every visitor from Europe when she leaves the United States? Mrs. Rometsch came from Communist East Germany as an alleged "refugee" to West Germany before coming to the United States. There is a report known to our intelligence officers that Mrs. Rometsch was in contact with Communist country diplomats while she was in Washington.

Walter Jenkins was apparently deeply involved in the business of entertaining and compromising people. He employed in the White House a secretary who was dismissed two months ago when her side-line activities became known as a result of an investigation of her husband. He had been dismissed from the secret NASA program when that agency's investigation reportedly disclosed that both husband and wife were engaged in sex and perversion for entertainment and entrapment.

The prostitute's story, detailing names and places and her instructions from Bobby Baker and Walter Jenkins has been obtained by two New York and one Washington, D. C. newspaper

and several individuals. Whether the information will be publicized remains to be seen. The story concerning Jenkins' arrest was "killed" for a full week as a result of the visit of Fortas and Clifford to the Washington, D. C. newspapers. Arthur Krock pointed out in the "New York Times" of October 18, 1964 that this was the case and that the story was brought out into the open by the United Press International.

The facts concealed for a week were that Jenkins was arrested on October 7, 1964 (recorded at 8:35 P. M.) in the Mens' Room of the YMCA, 1636 "C" Street, N. W., Washington, D. C. The charge was listed as indecent gestures. The police case number was 2207, the Morals Squad officers were R. L. Graham and L. P. Drouillard. Jenkins forfeited \$50.00 bail rather than appear. He was promptly rushed to a hospital suffering from "exhaustion" and thus unavailable for questioning. Jenkins is reported being held under closest security guard by Secret Service men who have refused permission for him to be interviewed.

Although there is information that this was the fifth known incident of this type in which Jenkins has been involved, only one other arrest is on the records. This is police case #168287. Jenkins was arrested January 14, 1957 at 10:20 P. M. in the same YMCA in which the recent arrest took place. The charge at that time was sex perversion - disorderly conduct. He forfeited \$25.00 bail rather than appear. One would think Jenkins would have been a bit wary of that YMCA.

Washington police officials, in the absence of the Chief of Police, who is home sick, were reported destroying certain records in connection with Jenkins' arrest. His police photograph with the number 168287 on it was torn up and thrown out. It was retrieved, however, and we have examined the torn original and have a photograph of it in our possession. According to the "U. S. News & World Report" of October 26, 1964, Republicans have been told that that the charge on the blotter against Jenkins was about to be erased when the incident was tracked down by newspaper men who had been tipped off. This is an example of how the Washington Whitewash works when one has friends in high places.

The appointment of another homosexual security risk to be U. S. Minister to Hungary, a Communist country, was announced on October 14, 1964, the same day that the Jenkins case was made public. Elin O'Shaughnessy, the man nominated by President Johnson, was known to be a serious security risk over fourteen years ago. O'Shaughnessy has admitted to

WASHINGTON WHITEWASH (cont.)

security officers that he first became involved in homosexual acts before he was eighteen years old. During his service in the State Department he met and became the personal favorite and "friend" of former U. S. Ambassador Caffrey. Intelligence services were advised. It was also reported that Caffrey obtained several promotions for O'Shaughnessy and saw that he was assigned to be near him.

O'Shaughnessy was born in Berlin of American parents August 30, 1907. He came into the State Department in 1937 and has been assigned at U. S. Diplomatic Posts in Warsaw, Poland; Rio de Janeiro, Brazil; Paris, France; Bonn, Germany; Belgrade, Yugoslavia; London, England; and was at one time First Secretary and Counsellor of the U. S. Embassy in Moscow for a number of years. In each of his assignments over a period of years, reports came in to security officials regarding his homosexual activities. In 1954 the F. B. I. submitted a detailed report so derogatory that he was denied a presidential appointment for which he had been recommended by one of his friends in the State Department. Yet the Red-Pink-Swish Set in the State Department kept him on and he received additional promotions all the time, and now his name has again been submitted for a presidential appointment by LBJ who never has been told anything bad about his friends and is always the last to know.

President Johnson cannot blame any "previous administration" for Bobby Baker or Walter Jenkins. They are admittedly his closest friends and associates and the relationship has continued over a long period of years. The hypocritical and cowardly trick of blaming the F. B. I. or the Secret Service to cover up his own guilt should fool no one. The F. B. I. supplies the results of investigations to the Executive Departments but the security risks are employed in spite of all derogatory information. When inquiries are made concerning these security risks, the answer is usually, "He was given a full investigation by the F. B. I." The fact that the investigation brought derogatory information to light is not mentioned and seems to have no effect on the person's eligibility for employment.

Actually thousands of people have been hired into government jobs in spite of adverse reports from the F. B. I. The alleged fact that Walter Jenkins had a "security clearance" from the Atomic Energy Commission is not impressive. One of the five members of the Commission itself has been reported as being a Soviet agent. J. Robert Oppenheimer had a clearance until it was revoked, as did many other security risks. Oppenheimer held a top security clearance

even while he was donating money to the Communist Party, attending Communist meetings. To be specific a security agency has information that Oppenheimer joined the Communist Party in the Oakland-Berkeley, California, area, and was issued Party Card #14137 by Oleto O'Connor who was Chairman of the Communist Party for that area. In the group were Elvia Noral, Walter Lambert and others who were named, including a member of a prominent American family. The report also stated that Oppenheimer had a romantic interest in Jean Tatlock. Oppenheimer was declared a security risk based on his cash donations to the Communist Party plus the fact that several relatives and "close" friends were Communists. But this was only part of the story, and as in so many cases involving security risks, his reputation was not blackened by unproved charges but actually protected by withholding the most damaging information. The importance of Oppenheimer to the left-wing cabal now running our government can be judged by the fact that he was awarded the \$50,000.00 Fermi Award and honored by the President of the United States. They do stick by their own.

In a last ditch effort to convince the American people that what passes for a government of the people, for the people and by the people should be continued in power, we have been treated to long lists of names. "Eminent" scientists, "successful, respectable" businessmen, "famous" and "important" persons of all types have allowed their names to be added to these monotonous lists. They shout in headlines in expensive advertisements (always asking for contributions) about the danger from "extremists." They call upon all Americans to "follow a man who is a leader - and who is leading well" because "at this crucial time, it is the conservative course to follow." Note the semantics in this - not that the Administration is conservative but it would be a conservative course to continue it in power. Many voices saying the same thing do not make it true, but they do make an uninformed public believe it is true.

At "this crucial time" words from the heart of one man who is a true American are more important and truthful than the long lists of "responsible" and "concerned" individuals compiled we know not how - pressure, threats, hope of reward, perhaps even true belief that the man now occupying the White House is a fine leader. But, as Jack Hord says in the editorial reprinted in an advertisement in the "New York Times" of October 15, 1964 (not asking for contributions, incidentally), "Mr. President, Just Where Are We Headed?" Where is this fine leader leading us? Any American who could read this moving and eloquent editorial without choking

WASHINGTON WHITEWASH (cont.)

up and really becoming "concerned" is the kind of American we can do without in "this crucial time." What we should be concerned about is the answers to the questions posed, not whether some member of an "elite" group thinks things are just fine as they are and presumes to do our thinking for us. We need answers, not reassurance. We need an informed public, not a brain-washed mob, blindly following a leadership parading under false banners of democracy.

The truth concerning phony "heroes" and charming but synthetic "leaders" who are but puppets doing the bidding of a hidden "invisible government" operating secretly behind the scenes is being brought to the American public. It is being brought to them by anti-Communist writers and lecturers and "those little books", so hated by the "liberals." These little books, published by "unknown publishing firms," are "None Dare Call It Treason," "A Texan Looks At Lyndon," and "A Choice Not An Echo." They are denounced as "unsubstantiated innuendos" and "outright lies" and "responsible" Republicans (like Sen. Kuchel perhaps, with his personal background similar to Jenkins?) are called upon to "repudiate" them. But they should be read and over thirteen million Americans have already read them. One more "little book" that should be added to the list is Suzanne Labin's "Vietnam, an Eye-Witness Account." The true story concerning this important area will not be found in the newspapers.

It is ridiculous and at "this crucial time" actually dangerous to turn one's back on unpleasant and sordid facts. It is not pleasant to place a man's indiscretions before a gaping public. It would not be necessary if that man were not in a position to do harm to our country. A man may act improperly without public outcry if he has only his own conscience to answer to, but an assistant to the President of the United States is responsible to the people of the United States. Those who place such a person in a position of importance are equally guilty of failing in their duty to the American people.

Homosexuals, alcoholics and psychopathic persons may be unfortunate and we should pity them and their families. But we should not be required to have them in policy making positions in our government. With such stress being laid on "mental health" these days and the necessity of "conforming" it does seem odd that there are so many of these mentally unhealthy persons working for our government.

Hundreds of psychologists were sent a questionnaire by "FACT" (a magazine published by a convicted pornographer) asking opinions as

to whether Goldwater was psychologically fit to be President. There are many people advising the present President and in other sensitive positions who are definitely known to be psychologically unfit and definite security risks as a result of their perversions or weaknesses.

Since the President of the United States is really a symbol and spokesman rather than a policy maker on his own, he must have honorable and truly responsible Americans advising and assisting him. If he chooses those around him without checking carefully into their backgrounds he is guilty of carelessness; if he chooses them in spite of their backgrounds he is guilty of much more. The President of the United States should be a man of unimpeachable integrity. Is Lyndon B. Johnson such a man?

Extra copies of this and many back issues are available at five for \$1.00 (of the same issue), \$10.00 per hundred, \$75.00 per thousand. Single copies twenty-five cents.

"The Threat from Within" by Frank A. Capell gives documented facts concerning the enemies of our country. It names names without regard to race, creed or color, social position or financial worth. The new edition is in large print and indexed. Spread the truth with documented facts. "Each one teach one." Price \$1.50 postpaid. Special quantity and book store discounts.

"The Strange Death of Marilyn Monroe" by Frank A. Capell gives the documented facts concerning her death. Walter Winchell has called attention to the book five times in his column, and calls it an "eyebrow-raising breather." Decide for yourself if Marilyn committed suicide or was more probably murdered. Read of her romance with former Attorney General Robert Kennedy, of her involvement with Communistic influences, of who stood to gain by her death and the inconsistencies in the testimony of witnesses. Price \$2.00 postpaid, ten for \$15.00. The usual bookstore discount is given.

Frank A. Capell has been combatting the International Communist Conspiracy for twenty-six years, both officially and unofficially.

THE HERALD OF FREEDOM AND METROPOLITAN REVIEW

is published bi-weekly by The HERALD of FREEDOM, P.O. BOX 333, 45 Bay Street, Staten Island 1, N.Y., Subscription \$10.00 per year or \$6.00 for six months. Frank A. Capell, Ed., Tel: Day - Code 212, 442-2340, Evenings - Code 201, 469-2088

October 19, 1964

b7C

DECLARATION OF [REDACTED]

Between 2:45 and 3:00 p.m. this afternoon, three men came into this office. I would judge that their ages were between 23 and 26 years. One of the men was heavy set - the other two were slender, approximately 5'9". All three men were white.

One man did all the talking. He was approximately 23 years old, heavy set approximately 180 to 185 lbs., very bad complexion, 5'8" to 5'9" in height. He has brownish blond hair. He was sloppily dressed, was wearing a white short-sleeved shirt, which badly needed pressing, was wearing dark trousers slacks and was wearing a large silver cross around his neck, strung on a silver chain. (He also had big front teeth).

This man, described above, asked to see Senator Kuchel. He said, "Is the Senator in?" I replied, "No he is not, may I help you?" The man said, "When do you expect him? I want a statement regarding

[REDACTED] and an interview with Senator Kuchel. I have very important information relating him with [REDACTED]. I explained that the Senator would not be in California for some time. The man then handed me his card and a document. I read it. All three men laughed. I immediately, into [REDACTED] office and called [REDACTED] ^{attended}

b7C

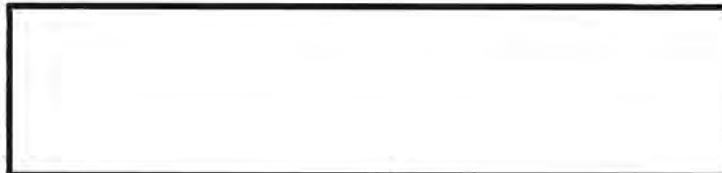
I described the incident to her and read, in part, the document the man had handed to me. [REDACTED] instructed me to immediately telephone the United States Secret Service Office, which is located down the hall from our office, and ask for one of the Agents to come to our office. [REDACTED] instructed me to have the Agent ask the men to leave the office, to read the document, and to assist me in case of any unpleasantness.

b7C

I then dialed the Secret Service Office and [REDACTED] along with two other Agents [REDACTED] arrived within a minute. I stayed in [REDACTED] office while [REDACTED] and the two agents spoke with the three men.

When I stepped into my office, the three men and the Secret Service Agents were present. The three men then left, and as they were leaving all three turned ~~around and looked back at me~~ and gave me a "smirk" as they left.

Executed at Los Angeles California, on the 30th day of October 1964, under the ~~pen~~ penalties of perjury.



b7C

FBI

Date: 11/25/64

Transmit the following in _____
(Type in plain text or code)

Via Airtel _____
(Priority or Method of Mailing)

To: SAC, Los Angeles

From: Director, FBI

UNKNOWN SUBJECT;
[REDACTED] COMPLAINANT
IMPERSONATION

b7C

32-656

Enclosed for receiving offices are two self-explanatory copies each of a memorandum to the Bureau from Herbert J. Miller, Jr., Assistant Attorney General, Criminal Division, dated 11/24/64, affidavit of Norman H. Krause sworn to on 6/3/64, letter of 8/28/64 from [REDACTED] to Senator Kuchel, letter of 9/4/64, from H. B. Montague, Chief Inspector, Post Office Department, to Senator Kuchel, Vol. VI, No. 6 dated 10/23/64, of "The Herald of Freedom" and Declaration of [REDACTED] dated 10/19/64.

b7C

It is noted that Departmental memorandum reflects a possible violation of the Impersonation Statute may exist as regards [REDACTED] in his contact of Krause while in the company of Frank A. Capell, Editor of "The Herald of Freedom."

The Los Angeles Office should immediately contact Krause and determine full details regarding his contact by [REDACTED] and Capell, obtaining a signed statement if appropriate; and, thereafter set out any necessary leads to determine if a violation of the Impersonation Statute has occurred.

b7C

Submit results of investigation in form and number suitable for dissemination.

Enclosures (12)
2 - New York (Encs. 12) (Info.)
2 - San Francisco (Encs. 12) (Info.)

12/1/64
Discussed with
[REDACTED]
Sent Via [REDACTED]

b7C

N. H. Krause
1950
32-1086-15
SEARCHED [X] INDEXED [X]
SERIALIZED [X] FILED [X]
NOV 26 1964
FBI - LOS ANGELES
[REDACTED]

b7C

UNITED STATES GOVERNMENT

Memorandum

TO : SAC (32-656) (PERSONAL ATTENTION)

DATE: 12/2/64

FROM : SA [REDACTED] (Resident Agent Brownsville, Texas,
in California on leave)SUBJECT: THOMAS H. KUCHEL
U. S. SENATOR
INFORMATION CONCERNING

b7C

JACK FERGUS, lecturer and field man, Schick Foundation, Los Angeles, who has furnished the writer reliable information in the past, advised on 12/2/64 that he had obtained from a former Los Angeles Police Department officer, who is now in private business, an affidavit wherein that officer stated that in 1950, while on traffic duty in Los Angeles, he observed an automobile weaving down the road. This traffic officer followed the automobile, stopped it and observed [REDACTED] the captioned person, whom he recognized to be at that time the Comptroller of the State of California. The other man who was with KUCHEL was not disclosed by FERGUS. *

FERGUS related that the officer in his affidavit explained that he took the pair to the Police Department, and that the Officer in Charge there refused to book KUCHEL because of his eminence in California politics. The Duty Officer advised the arresting officer that he would get in touch with the then Chief of Police, Retired Marine Corps General WORTON. General WORTON, who was at first unavailable, was later in contact with the instant Duty Officer and advised him that since KUCHEL [REDACTED]

b2

[REDACTED] This was done, according to FERGUS' information.

b2

FERGUS emphasized in relating the above that, according to the arresting officer's affidavit when he stopped the auto, [REDACTED]

FERGUS stated he had caused to be placed about 100 copies of the affidavit of the instant ex-LAPD officer in appropriate government hands, chiefly on the east coast, including a copy to Senator STROM THURMOND.

FERGUS said he was moved to take this action because he had over a period heard persistent rumors concerning KUCHEL's

TWC:CM
(1)

32-656-16

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 2 1964	
FBI - LOS ANGELES	

[redacted] FERGUS observed that KUCHEL is in a highly sensitive and responsible position in the government of the United States as Republican Whip and as a member of the Foreign Relations Committee.

FERGUS pointed out the experience of the British with two of their Foreign Office officials who were homosexuals. They defected to the Soviet. He also instanced the recent homosexual individuals in sensitive U. S. governmental agencies who in the recent past defected to the Soviet.

b7C

b2

FERGUS remarked that it is one thing to overlook past mistakes or indiscretions of the ordinary citizen, but it is a grave dereliction to leave unreported to responsible government officials the instability of a highly placed Senator.

FERGUS stated that [redacted] understands that FERGUS' above action in obtaining instant affidavit and forwarding it to responsible government officials was an act that FERGUS stands personally responsible for.

FERGUS advised that the night of 11/30/64 Chief PARKER, LAPD, [redacted] met by chance at a civic function. PARKER observed to [redacted] that the affidavit implicating KUCHEL had actually to do with another individual--not KUCHEL.

FERGUS said this seemed to him like an "assist" on the part of Chief PARKER for KUCHEL, since PARKER is reputedly seeking the job of head of the FBI and would look to KUCHEL for endorsement.

FERGUS said he had identified and located instant arresting officer through the help of a currently employed officer of the LAPD. FERGUS stated that the Internal Security Force of the LAPD has visited him or his associates four times and has been interrogating the officer who led him to the man giving the instant affidavit. In one instance the Internal Security Force interviewing the officer countered his responses by stating, "This is the way FERGUS told it to us." They indicated to the officer, by ruse, that FERGUS was in the next room, when he was, in fact, at that time in San Francisco.

FERGUS observed that Chief Justice WARREN, then Governor of the State of California, appointed KUCHEL in the early 1950's to fill out the unexpired term of another Senator from California. FERGUS remarked that WARREN, seemingly in a position to be informed regarding KUCHEL's personal instability, had nonetheless made the appointment.

FERGUS said he had no copy of instant affidavit to furnish. He declined to detail other identities in this matter, stating KUCHEL is presently indicating he intends civil suit. FERGUS discounted the likelihood of KUCHEL suing in this matter, since evidence was preponderantly against him.

Indices Search Slip
FD-160 (Rev. 10-1-59)

TO: CHIEF CLERK

Date 12/1/64

Subject

NORMAN H. KRAUSE

Aliases

Address

Birth Date

Birthplace	
------------	--

Race

Sex

☐ Male☐ Female☐ Exact Spelling☐ All References

☐ Main Subversive Case Files Only

☐ Subversive References Only

☐ Main Criminal Case Files Only

☐ Criminal References Only

☐ Main Subversive (If no Main, list all Subversive References)

☐ Main Criminal (If no Main, list all Criminal References)☐ Restrict to Locality of

File & Serial Number

Remarks

File & Serial Number

Remarks

32-656-

2

213

32-6.56-6

-b2

-b7/D

b7C

[illegible]

Extension	
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File No.

Searched by

(date)

Consolidated by

(date)

Reviewed by

(date)

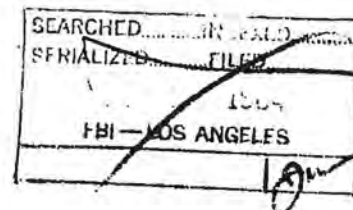
File Review Symbols

1 - Identical

? - Not identifiable

NI - Not identical

U - Unavailable reference



Los Angeles, California
December 2, 1964

UNKNOWN SUBJECT;
[REDACTED] - COMPLAINANT

b7C

Mr. Norman H. Krause was interviewed on December 1, 1964, at 1105 North Topanga Canyon Boulevard, Topanga, California. Norman H. Krause, a former Los Angeles Police Department (LAPD) officer, is presently self-employed as a building contractor. Mr. Krause was interviewed regarding the individuals who approached him to execute an affidavit regarding Senator Thomas H. Kuchel of California. Mr. Krause was specifically questioned whether the individuals approaching him in this regard made any representation of being Federal investigators, Federal Agents or having any connection with the Federal Government. Mr. Krause stated he was contacted on three or four occasions by several individuals regarding a statement on Senator Kuchel, however, no one contacting him ever represented themselves to be with the Federal government in any capacity. Mr. Krause furnished the following signed statement:

"December 1, 1964
Los Angeles, California

"I, Norman Harold Krause, make the following voluntary statement freely to SA [REDACTED] who have identified themselves to me as Special Agents of the FBI. SA [REDACTED] has told me I do not have to make the statement, and the statement could be used in a court of law.

b7C

"I presently reside 1980 N. Topanga Blvd, Topanga California.

"Some day last June, 1964, 3 men contacted me at my place of business, 12244 West Pico Blvd, LA. One of the individuals was a police officer named [REDACTED] (ph) whom I had previously worked with at the LA Police Department. [REDACTED] introduced himself to me as a Lt. LAPD, and indicated the two people with him, one named [REDACTED] and the other I don't recall, were from back east and were conducting an official investigation. [REDACTED] requested that I give the two people with him any

b7C

4 - Bureau
① Los Angeles (32-656)

JGW/jm:sef
(5)

INDEXED
SERIALIZED
FILED

32-656-17

UNKNOWN SUBJECT;

[REDACTED] - COMPLAINANT

information they requested. The two people with [REDACTED] indicated also they were conducting an investigation, but they did not indicate for whom they were conducting the investigation. At no time did the two people with [REDACTED] indicate they were with the FBI or any Federal Agency. The only reason I gave these people any information was because they were brought to me by [REDACTED] whom I knew to be a LAPD officer.

b7C

"I have read the above statement contained on this & one other page & to the best of my knowledge it is true & correct.

/S/ "Norman H. Krause

[REDACTED] Special Agent, FBI 12/1/64
Los Angeles California
[REDACTED], Special Agent, FBI, 12/1/64,
Los Angeles, California"

b7C

Inasmuch as Mr. Krause has advised that no false representation was made to him regarding any Federal employment by the persons involved, this matter was not discussed with the U. S. Attorney as a possible violation of the Impersonation Statute. This office is conducting no further investigation regarding this matter at this time.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

AIRTEL

12/2/64

AIRTEL

AIRMAIL - REGISTERED

TO: DIRECTOR, FBI
FROM: LOS ANGELES (32-656) (C)
SUBJECT: UNKNOWN SUBJECT;
[REDACTED] - COMPLAINANT
IMPERSONATION

b7C

ReBuairtel to Los Angeles, 11/25/64, and Los Angeles
let to Bureau, 11/18/64, captioned "THOMAS H. KUCHEL, U. S.
Senator (R-California), INFORMATION CONCERNING, IDENTIFICATION
MATTER."

In accordance with referenced Buairtel, NORMAN H.
KRAUSE was interviewed by SAs [REDACTED], and
[REDACTED] on 12/1/64 at 1105 North Topanga Canyon
Boulevard, Topanga, California, where he was engaged in a
construction project. The results of the interview regarding
the possible impersonation violation are set forth in the
enclosed letterhead memorandum for appropriate dissemination.

b7C

KRAUSE was interviewed regarding an approach by three
individuals, at which time he furnished an affidavit regarding
Senator KUCHEL. He was questioned specifically concerning a
possible violation of the Impersonation Statute and he was not
questioned regarding the basis of his affidavit concerning the
arrest of Senator KUCHEL; however, he voluntarily furnished
the following information:

KRAUSE stated he could not recall the names of the
individuals who approached him other than the fact that they
were originally introduced by a Los Angeles Police Department
(LAPD) officer named [REDACTED] who KRAUSE claimed he knew at

b7C

3- Bureau (Enc. 4) (REGISTERED)
by Los Angeles
JGW/jm
(4)

SEARCHED
INDEXED
SERIALIZED
FILED

32-656-18

LA 32-656

b7C

the time he was also employed by the LAPD. [] introduced himself as being a Lieutenant with the Intelligence Division of the LAPD at this time and stated the two men with him were from the East and were conducting an official investigation. KRAUSE was aware that this was not an LAPD investigation. KRAUSE claimed the only reason he furnished information to the two men was because [] requested that he cooperate; [] claimed that he was a Lieutenant with the LAPD; he received the information concerning KUCHEL in the performance of his official duty; and he felt it was proper that he cooperate with the two men since [] requested he do so.

b7C

KRAUSE also stated at the time he furnished the affidavit, the affidavit contained no mention of []. KRAUSE observed that the man named [] specifically requested he not insert this in the affidavit since it was necessary for the affidavit to be notarized and he did not desire to embarrass the woman who would notarize the affidavit. He emphatically stated this information concerning [] Senator KUCHEL was added after he signed the affidavit and not in his presence.

KRAUSE also volunteered that the arrest of KUCHEL took place many years ago; however, at the time he was positive the person he apprehended was KUCHEL since all of the identification was in KUCHEL's name, and the man he arrested claimed to be State Controller KUCHEL.

KRAUSE stated since this matter came up he has now heard that the arrest report has been changed and Senator KUCHEL's name does not appear in the record. He offered no explanation.

KRAUSE was obviously bitter about being involved in this entire matter and offered to be of assistance to the Bureau if this was desired.

b7C

On 12/1/64, [] Intelligence Division, LAPD, telephonically contacted SA [], regarding another matter. At that time, [] commented that he anticipated meeting with Senator KUCHEL this week regarding the matter previously discussed. [] again commented that his investigation regarding the KUCHEL matter was closed at this time as set forth in referenced Los Angeles airtel. [] volunteered that KRAUSE claimed

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he had furnished the affidavit because he was contacted by a lieutenant from the Los Angeles Police Department and requested to cooperate in an investigation being conducted by several individuals. KRAUSE later identified these individuals as FRANK A. CAPELL, "editor of some East Coast right-wing publication" and JACK, last name unknown.

[redacted] stated their investigation had identified JACK as JOHN F. FERGUS, public relations man for the Schick Razor Company, 5933 West Slauson Boulevard, Los Angeles, California.

[redacted] stated FERGUS has a minor arrest record and has CII #2652708. [redacted] commented that NORMAN KRAUSE's memory was not too good in recalling names, and that it was only after displaying photographs of a number of police officers was KRAUSE able to identify the officer who had introduced CAPELL and FERGUS. [redacted] stated this police officer admitted having one meeting with KRAUSE, FERGUS and CAPELL; however, [redacted] denied any further involvement.

According to [redacted] this police officer who [redacted] did not identify, had identified JACK as JOHN F. FERGUS. FERGUS was interviewed by Los Angeles police officers on several occasions, however, he refused to cooperate and declined to furnish any information.

A review of Los Angeles files reflects JOHN F. FERGUS, 7166 West 93rd Place, Los Angeles, California, has periodically contacted the Los Angeles Office since 1958 requesting information regarding Communism or suspected Communist organizations. FERGUS contacted this office on 7/16/60 and offered his assistance in investigating Communist activities in the Los Angeles area.

SA [redacted], Resident Agent at Brownsville, Texas, is currently in Los Angeles on vacation. On 12/2/64 JACK FERGUS (true name JOHN F. FERGUS) contacted SA [redacted] at his residence. SA [redacted] was acquainted with FERGUS while assigned to the Los Angeles Division. FERGUS stated he was now a lecturer and field man for the Schick Foundation, Los Angeles. FERGUS stated he had obtained an affidavit from a former Los Angeles Police Department Officer. The Officer states that in 1950 while on traffic duty in Los Angeles he observed an automobile weaving down the road. This

LA 32-656

traffic officer followed the automobile, stopped it, and observed in the front seat [redacted] THOMAS H. KUCHEL, whom he recognized to be at that time the Comptroller of the State of California. The other man who was with KUCHEL was not disclosed by FERGUS.

b2

FERGUS related that the officer in his affidavit explained that he took the pair to the Police Department, and that the Officer in Charge there refused to book KUCHEL because of his eminence in California politics. The Duty Officer advised the arresting officer that he would get in touch with the then Chief of Police, Retired Marine Corps General WORTON. General WORTON, who was at first unavailable, was later in contact with the instant Duty Officer and advised him that since KUCHEL was described [redacted] he should be booked accordingly. This was done, according to FERGUS' information.

b2

FERGUS stated he had caused to be placed about 100 copies of the affidavit of the instant ex-Los Angeles Police Department officer in appropriate government hands, chiefly on the east coast, including a copy to Senator STROM THURMOND.

FERGUS said he was moved to take this action because he had over a period heard persistent rumors concerning KUCHEL's [redacted] FERGUS observed that KUCHEL is in a highly sensitive and responsible position in the government of the United States as Republican Whip and as a member of the Foreign Relations Committee.

b2

FERGUS remarked that it is one thing to overlook past mistakes or indiscretions of the ordinary citizen, but it is a grave dereliction to leave unreported to responsible government officials the instability of a highly placed Senator.

FERGUS stated that his boss, [redacted] understands that FERGUS' above action in obtaining instant affidavit and forwarding it to responsible government officials was an act that FERGUS stands personally responsible for.

FERGUS advised that the night of 11/30/64 Chief PARKER, Los Angeles Police Department and [redacted] met by chance at a civic function. PARKER observed to [redacted] that the affidavit implicating KUCHEL had actually to do with another individual -- not KUCHEL.

b7C

LA 32-656

FERGUS advised this seemed to him like an "assist" on the part of Chief PARKER for KUCHEL, since PARKER is reputedly seeking the job of head of the FBI and would look to KUCHEL for endorsement.

FERGUS said he had identified and located instant arresting officer through the help of a currently employed officer of the Los Angeles Police Department. FERGUS stated that the Internal Security Force of the Los Angeles PD has visited him or his associates four times and has been interrogating the officer who led him to the man giving the instant affidavit. In one instance the Internal Security Force interviewing the officer countered his responses by stating, "This is the way FERGUS told it to us." They indicated to the officer, by ruse, that FERGUS was in the next room, when he was, in fact, at that time in San Francisco.

FERGUS observed that Chief Justice WARREN, then Governor of the State of California, appointed KUCHEL in the early 1950's to fill out the unexpired term of another Senator from California. FERGUS remarked that WARREN, seemingly in a position to be informed regarding KUCHEL's personal instability, had nonetheless made the appointment.

FERGUS said he had no copy of instant affidavit to furnish. He declined to detail other identities in this matter, stating KUCHEL is presently indicating he intends civil suit. FERGUS discounted the likelihood of KUCHEL suing in this matter, since evidence was preponderantly against him.

Inasmuch as the information developed fails to reflect a possible violation of the Impersonation Statute, this office is taking no further action in this matter, UACB.

Note: Hand print names legibly; handwriting satisfactory for remainder.

Subject's name and aliases NORMAN H. KRAUSE, author of statement concerning SEN. THOMAS H. KUCHEL			Address of subject 1980 No. Topanga St., Topanga Canyon		Character of case INFO CONCERNING
Complainant <div style="border: 1px solid black; width: 150px; height: 1.2em; display: inline-block;"></div> b7C			Complainant's address and telephone number salesman, Auto Club of Southern Calif. City Sales Dept., 2601 So. Figueroa, 746-4880		Complaint received <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Telephonic Date 12/4/64 Time _____
Subject's Description	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Weight	Birth date and Birthplace
	Age		Eyes	Complexion	
	Scars, marks or other data				
<p>Facts of complaint</p> <p><input type="checkbox"/> advised someone stuck a copy of the statement by subject in his briefcase. <input type="checkbox"/> stated the copy has been floating around the office. <input type="checkbox"/> advised he had called Mr. KUCHEL's office, at which time his secretary told him the FBI is aware of the written statement by KRAUSE. The secretary mentioned to <input type="checkbox"/> that a <div style="border: 1px solid black; width: 100px; height: 1.2em; display: inline-block;"></div> Intelligence, L.A.P.D., is working on the matter.</p> <p>b2 b7D b7C</p>					
Action Recommended		<div style="border: 1px solid black; width: 250px; height: 40px; display: inline-block;"></div> b7C (Agent)			

32-656-19

JL PA

FBI - LOS ANGELES

[Signature]

Cover Sheet for Informant Report or Material
FD-306 (3-21-58)

Date received 1/11/65	Received from (name or symbol number) [redacted] b2 b7D	Received by SA [redacted] b7C
Method of delivery (check appropriate blocks) <input checked="" type="checkbox"/> in person <input type="checkbox"/> by telephone <input type="checkbox"/> by mail <input type="checkbox"/> orally <input type="checkbox"/> recording device <input type="checkbox"/> written by Informant		
If orally furnished and reduced to writing by Agent: Date _____ Dictated _____ to _____ Transcribed _____ Authenticated by Informant _____		Date of Report _____ Date(s) of activity _____
Brief description of activity or material <u>One photostatic copy of affidavit by Norman H. Krause concerning Senator Thomas H. Kuchel</u>		File where original is located if not attached 170-3

Remarks:

affadavit
This/~~with~~ is OBSCENE in nature. [redacted] advised that [redacted] 15721-23-25
and [redacted]
Cornuta Avenue, Bellflower, California, PO Box 99, plans to distribute
5,000 copies of affidavit in California soon - reason to discredit
Senator Kuchel unknown.

b2
b7D
b7C

Block Stamp

32-656-20

0

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 13 1965	
FBI - LOS ANGELES	

DIRECTOR, FBI
ATTN.: CRIME RECORDS

1/26/65

ny SAC, LOS ANGELES (32-656) (C)

THOMAS H. KUCHEL
U. S. SENATOR (R - CALIFORNIA)
INFORMATION CONCERNING
IDENTIFICATION MATTER

Re Los Angeles letter to Bureau 11/18/64, and Los Angeles airtel to Bureau 12/2/64, captioned "UNSUB; [redacted] - COMPLAINANT, IMPERSONATION."

On 1/11/65 [redacted] advised SA [redacted] that [redacted] plans to distribute 5,000 copies of an affidavit regarding Senator THOMAS KUCHEL in California. This distribution is reportedly to be made soon; however, informant was unable to advise the reason [redacted] is attempting to discredit Senator KUCHEL. The affidavit in question is the one previously referred to the Bureau under above caption.

b7C

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b7D

[redacted] advised on 12/8/64 that the [redacted] in Lancaster, California. In October, 1963, [redacted] conducted a meeting of a Ku Klux Klan type organization in Lancaster, California, where members were initiated secretly and Klan type robes were issued to new members. Informant advised that the purpose of this organization was to preserve the Constitution of the United States and the white race. [redacted] stated that the persons in the room must be willing to die before they would reveal any secrets of the Klan type organization.

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b7D

On 11/16/62 [redacted] Detective Division, Los Angeles County Sheriff's Office, advised that [redacted] in Lancaster, California, and [redacted] who is strongly anti-Semitic and anti-Negro.

b7C

2 - Bureau
1 - Los Angeles

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(3) *cu* *gml*

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SEARCHED
INDEXED *lu*
SERIALIZED *lu*
FILED *lu*

32-656-21

LA 32-656

On 1/22/65 [redacted] Intelligence Division, Los Angeles Police Department, contacted SA [redacted] regarding another matter. During the course of the conversation [redacted] volunteered that he had recently been in Washington, D. C. where he had interviewed [redacted] regarding La Cosa Nostra matters. He stated the primary purpose of his trip to Washington was to interview members of Senator THOMAS H. KUCHEL's staff regarding an affidavit that was being circulated regarding Senator KUCHEL. [redacted] stated a case is being prepared for the Los Angeles County Grand Jury, and an attempt will be made to get an indictment charging one or more persons with conspiracy to commit criminal libel. [redacted] did not identify anyone who might be indicted in this matter. He did state, however, that this matter had not yet been referred to the District Attorney as it was being kept very confidential.

b7C

On 1/26/65 [redacted] Intelligence Division, Los Angeles Police Department, advised SA [redacted] that the matter regarding an affidavit against Senator THOMAS KUCHEL was scheduled to be presented to the Los Angeles County Grand Jury on 2/2/65. [redacted] commented that approximately 40 to 50 individuals would be subpoenaed to testify before the Grand Jury, including Senator THOMAS KUCHEL. [redacted] indicated Senator KUCHEL had requested the Los Angeles Police Department to interview all top ranking Republicans including DEAN BURCH regarding this matter; however, the PD had declined to expand their investigation to that extent. [redacted] volunteered that Los Angeles police officers had gone to Washington to interview Senator KUCHEL's staff. He also advised that it was questionable whether an indictment would be returned in this matter. However, he felt Senator KUCHEL might obtain a "white paper" from the Los Angeles County Grand Jury completely exonerating him from the allegation set forth in the affidavit from former Los Angeles police officer NORMAN H. KRAUSE.

b7C

The above information is being submitted for the information of the Bureau, and this office is taking no action in this matter. The Bureau will be kept advised of developments coming to the attention of this office.

2-15-65

[redacted] PAs office, asked if we could expedite request to ident
for photos of prints on [redacted] and
[redacted] requested by PD letter 2-12. Needed for Grand
Jury on 2-16. [redacted] advised [redacted] said would be sent
AMSD 2-16. [redacted] advised [redacted] 2
HABO

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(Mount Clipping in Space Below)

Indictment Against Former Los Angeles Police Officers

Two Former Los Angeles Police Officers and Two Others Indicted by Grand Jury

Two former Los Angeles policemen and two other men were indicted by the county grand jury Wednesday on charges that they conspired to libel Sen. Thomas H. Kuchel (R-Calif.).

The indictments grew out of a secret three-week hearing which centered on a widely distributed affidavit accusing the senator as co-defendant in a morals offense with another man.

Dist. Atty. Evelle J. Younger said, "Investigation disclosed that the allegations in the affidavit were false, reckless, malicious and vicious."

Kuchel personally appeared before the grand jury Wednesday and was the last of the witnesses.

After Wednesday the grand jury returned an indictment against the four men with charges to commit criminal libel and to wrongfully use the name of a U.S. senator to affect his moral reputation.

Those indicted were: Norman H. Krause, 44, of 1980 Topanga Canyon Road, a Los Angeles police officer from 1947 to 1957.

Jack D. Clemmons, 41, of 6828 Tampa Ave., Reseda, a Los Angeles police sergeant who resigned from the force last week after serving since 1959.

Francis A. Capell, 57, of 2400 Santa Monica, author and publisher of the ultra-right wing "Herald of Freedom" and author of the paperback book, "The Strange Death of Marilyn Monroe."

John R. Hagan, 47, of 7166 93rd Place, a public relations man for the Schick Razor Co. The true bill was presented by Peter F. Schabarum,

foreman of the grand jury, to Superior Judge David W. Williams. It was the first case handled by the new grand jury.

The district attorney's office, represented by Chief Trial Dep. J. Miller Leavy and Dep. Dist. Attys. Joseph P. Busch Jr. and Fred Henderson, recommended bail of \$5,000 for each defendant.

Judge Williams, who signed the true bill, was informed by the prosecution that Clemmons, Ferguson and Krause are expected to surrender voluntarily in court at 9 a.m. today.

Capell told The Times by telephone that he won't decide whether to surrender until he talks with his attorney.

Extradition Effort
The district attorney's office said it would start extradition proceedings for Capell.

The charges carry a maximum penalty of three years in prison plus a \$5,000 fine.

Following delivery of the indictment, Sen. Kuchel issued this statement through his office here:

"In the last several months a vicious, monstrous falsehood has been circulated against me by some people who have sought to destroy my character. When I learned of this character assassination I immediately contacted the Los Angeles Police Department to have them investigate this matter."

(Indicate page, name of newspaper, city and state.)

I-1 Los Angeles Times
Los Angeles, Calif.

Date: 2/18/65

Edition: Home

Author:

Editor: Nick B. Williams

Title: Senator Thomas H. Kuchel (R-Calif.)

Character:

or

Classification:

Submitting Office: Los Angeles

☐ Being Investigated

32-656-22

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - LOS ANGELES	

6

2/18/65

Given to Lawmakers

The affidavit reportedly was given by Krause to Fergus, who is alleged to have sent the affidavit to Capell.

The document later was distributed to senators, congressmen, the press and conservative groups.

Capell reportedly first learned of the story from Clemmons when they met at an anti-Communist meeting in May, 1964.

Clemmons is purported to have arranged meetings between Capell and Krause.

Clemmons, Capell and Fergus all declined to testify before the grand jury.

Krause, however, is believed to have explained to the jury that the affidavit grew out of an incident which occurred Feb. 11, 1950.

Auto Stopped

Krause, then on duty, and his partner, Donald McClelland, stopped an auto at 3rd St. and Hobart Blvd. and arrested the occupants, two men. Both were drunk.

The suspects were employees of the state controller's office, then headed by Kuchel, and they are reported to have used Kuchel's name freely. Both Krause and McClelland are believed to have testified that they got the impression that one of the men was Kuchel.

In addition, Krause said he also got the impression that the pair were engaged in a homosexual act, but McClelland said he didn't observe any such act.

McClelland said he realized a few years later, after seeing Kuchel's picture in a newspaper, that the drunk suspect had not been Kuchel.

The suspect, in fact, had been a 27-year-old family member, reportedly Robert Fergus, at the time was

Fine Levied

The suspect, police records show, pleaded guilty to a drunk charge and was fined \$20. The other man, who was 64, pleaded guilty to drunk driving and was fined \$125, it was learned.

Krause, faced with official records and fingerprints taken at the arrest, reportedly refused to categorically withdraw his story but is believed to have admitted to the grand jury that he now has doubts about it.

The grand jury's action indicates it believes the affidavit false both in regard to Kuchel and to the two men actually arrested, both of whom testified at the hearing.

Krause was not available for comment following the indictment, but his three co-defendants issued statements.

Said Clemmons through his attorney, Warren Henderson:

"Thank God for our system of law under which I am entitled to my day in court. The charge against me is preposterous."

Said Fergus through his attorney, John P. LaFollette:

"I am completely innocent of any misconduct of any nature whatsoever and I look forward to a full exoneration by a jury of the groundless and politically-motivated charges against me."

"Pending my trial, I am resigning my position with Eversharp-Schick in order to avoid any possible embarrassment to my employer and my fellow employees."

Bail Protested

"I am shocked that the district attorney has requested bail in the penalty sum of \$5,000 which obviously creates a sacrifice on the part of a father of six children. I know of at least one pending case in the same court where the defendant is charged with kidnaping (a capital offense) and the alleged felon is free on \$1,000 bond."

"To my friends, neighbors and associates I solicit prayers and kind thoughts for the trying days ahead for my family."

Capell said he had refrained from running the affidavit in his newspaper while checking to "see whether or not there was any blackmail involved."

Capell said he didn't disseminate the affidavit, but "some of my contacts had copies of the affidavit for safekeeping until the story broke."

"As far as I know," added Capell, "no one has offered

me any evidence that it's not true."

Capell said he was interviewed in New Jersey recently by two Los Angeles police sergeants investigating the affidavit.

Dist. Atty. Younger said Police Chief William H. Parker instigated the investigation at the request of Sen. Kuchel and Parker later turned his report over to the district attorney.

Added Younger:

"I considered the matter to be of such public importance and of so serious a nature that I asked the newly impeached grand jury to make formal investigation in the order of business."

"The grand jury has now heard the evidence and will

before the grand jury were Patrick J. Flaherty Jr., president of the Schick-Bauer Co.; James G. Soar, chief counsel of the Senate Internal Security Committee; Conroy, president of the Liberty Party U.S.A.; Southern California Division, and police investigators.

Clemmons reportedly refused to testify. He had turned in his resignation before making the refusal. This was in line with a police department rule that any officer who refuses to testify is automatically dismissed from the force.

Clemmons had been a sergeant since 1957.

Capell, who once served as chief investigator to the Westchester County (N.Y.) sheriff's office, recently wrote a book about the death

of Marilyn Monroe in which he implicated both Communists and former Atty. Gen. (now Sen.) Robert F. Kennedy.

The indictment charges the defendants with a conspiracy to "maliciously defame by and in a libelous, dishonest, untrue, false and reputation of United States Sen. Thomas H. Kuchel and his character, pose said United States Senator Thomas H. Kuchel as a public hatred, contempt and ridicule in violation of Section 248 of the Penal Code."

"Secondly, each defendant, U.S. Sen. Thomas H. Kuchel, wilfully and knowingly in a manner that will tend to affect and did have the effect to affect his moral reputation generally and in the public eye."

The indictment also charges the defendants with a conspiracy to "maliciously defame by and in a libelous, dishonest, untrue, false and reputation of United States Sen. Thomas H. Kuchel and his character, pose said United States Senator Thomas H. Kuchel as a public hatred, contempt and ridicule in violation of Section 248 of the Penal Code."

(Mount Clipping in Space Below)

4 Indicted in Alleged Libel of Sen. Kuchel

Four men yesterday were indicted by the County Grand Jury on a charge of conspiracy to commit criminal libel against U.S. Sen. Thomas H. Kuchel.

The indictment was returned following an investigation begun by the jury three weeks ago at the request of the Republican Senate whip.

Expect Extradition

Expected to surrender in superior court today are John J. Fergus 47, of 7166 93rd Place, Los Angeles, public relations man for Shick Razor Co.; Norman L. Krause 44, of 1980 Topanga Canyon Road, Topanga, former Los Angeles police officer, and Jack D. Clemmons 41, of 6628 Tampa Ave., Reseda, former sergeant with LAPD.

Extradition proceedings were to be instituted against the fourth man, Francis A. Cappell 57 of Zarephath, N.J., publisher of the Herald Freedom, reportedly a bi-weekly anti-Communist newspaper, and formerly a chief investigator for the Westchester (New York) County Sheriff's Dept.

The indictment stemmed from an arrest made Feb. 11, 1950, by Krause, who resigned from the department in the same year, and, his partner, then patrolman now Sgt. Donald McClelland.

Said Kuchel Mentioned

Bernard McShane 80, former chief of the Sacramento Police Dept. who was an investigator for the state controller's office in 1950, and Bert Foster 75, then a deputy state controller, were arrested in a car parked at Third St. and Hobart Ave. on drunk charges.

Although both later pleaded guilty and were fined and were never charged with any other crime, Krause insisted they were questioned about a possible morals violation and that during questioning of the men, the name of Sen. Kuchel, who was then state controller, was often mentioned.

Officer McClelland reportedly told the grand jury that his partner was convinced one of the men really was Kuchel, although he, McClelland, saw a picture of Kuchel later and knew he had not been arrested.

Meeting Described

The jury was reportedly told that early last year, Clemmons met Cappell at an anti-Communist meeting, told him of the 1950 incident and set up a meeting between Cappell and Krause.

According to testimony allegedly given to the jury, Cappell, Clemmons and Fergus met with Krause in May of last year, when Cappell was introduced as a congressional investigator.

In June of last year, Krause reportedly signed an affidavit stating Sen. Kuchel was arrested on a morals charge, to testimony reportedly presented to the grand jury.

Last October, Dennis P. Mower, president of the Southern California Freedom Council, presented a copy of the affidavit to Sen. Kuchel's secretary in the Senator's Los Angeles Federal Bldg. office.

The Senator then turned the paper over to the District Attorney and Police Chief William Parker and asked for a Grand Jury investigation.

Bail Set at \$5000

The Grand Jury report, in addition to charging the four men with the felony conspiracy charge, completely cleared McShane and Foster of any implication of immoral conduct.

Each of the four defendants was also charged with a misdemeanor libel count and Judge David W. Williams, to whom the indictments were returned, set bail at \$5000 each.

Among the 50 witnesses who reportedly testified at the grand jury hearing was Sen. Kuchel. Krause reportedly is the only one of the four indicted who testified.

(Indicate page, name of newspaper, city and state.)

A-42 Van Nuys News &
Green Sheet
Van Nuys, Calif.

Date: 2/18/65

Edition:

Author:

Editor: Ferdinand Menderhal
Title: Senator Thomas H.
Kuchel (R-Calif.)

Character:

or

Classification:

Submitting Office: Los Angeles

☐ Being Investigated

32-656-23

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Sen. Kuchel Responds to a Smear

Since politics was invented, slander and libel have been the last resort of desperate men seeking to destroy an opponent. Few politicians long in office have escaped such ugly treatment. Kuchel still has resolutely addressed himself to the difficult, sometimes laborious, task of eradicating the evil.

It has become almost a truism to say that politicians are "libel-proof" because of the broad-ranging nature of their jobs. A Supreme Court decision strengthened this viewpoint, insofar as the politician's public life is concerned.

But character assassination which uses the dagger of falsehoods concerning a man's private life is a far different matter. To expose this vicious practice for what it is takes a high degree of courage on the part of the victim.

The Times commends Sen. Thomas H. Kuchel for placing in the hands of the proper law enforcement authorities

the evidence of an outrageous smear attempt against his character. It would have been easier for California's respected senior senator, and certainly far less embarrassing, to have shrugged off the libel, in hopes it would quietly disappear.

This, however, he refused to do. Kuchel resolved to safeguard his good name by nailing the lie. So when he first learned that such material was being disseminated, Kuchel asked the Los Angeles Police Department to undertake an investigation. Last Wednesday the county grand jury returned four indictments on charges of conspiracy to defame the senator.

Regardless of the outcome of this particular case, The Times believes that Kuchel has done the cause of clean politics a splendid service by his determined action. It may well prove a deterrent to those who wield the smear as a political weapon.

(Indicate page, name of newspaper, city and state.)

II-4 LA Times

Los Angeles, Calif.

Date: 2/19/65
Edition: Home
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office: LA
☐ Being Investigated

32-656-24

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One of Accused in Kuchel Case Surrenders

Francis A. Capell, 57, indicted on charges of conspiring to libel Sen. Thomas H. Kuchel (R-Calif.), surrendered Wednesday in Superior Court and was released on \$1,000 bail.

He was ordered to return for further proceedings March 19, the same date that three co-defendants previously were ordered to appear.

Capell, of Zarephath, N.J., came here with his attorney, Frank Pagliante, for the arraignment before Judge David W. Williams.

Three Indictments

The three other men, indicted on the same charges, are Norman H. Krause, 44, of 1980 Topanga Canyon Road, a former Los Angeles police officer; Jack D. Clemmons, 41, of 6628 Tampa Ave., Reseda, a Los Angeles police sergeant who has resigned, and John F. Fergus, 47, of 7166 83rd Place, who also resigned as public relations man for Schick Razor Co.



Francis A. Capell
Times photo

(Indicate page, name of newspaper, city and state.)

II-3 LA Times

Los Angeles, Calif.

Date: 2/25/65
Edition: Home
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office: LA
☐ Being Investigated

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—Herald-Examiner Photo

CHARGE HE LIBELED SEN. KUCHEL
Francis Capell, left, surrenders on indictment

Fourth Man Surrenders In Kuchel Libel Case

Francis A. Capell, 57, Zarephat (N.J.) publisher, who with three others was charged with criminal conspiracy to libel U.S. Sen. Thomas Kuchel, surrendered today in

the court of Superior Judge David W. Williams, and was freed under \$1000 bond.

The indictments resulted from a secret two-week grand jury investigation into the circulation of alleged false statements during the recent political campaign.

Capell was ordered to appear in court March 19, along with the other defendants: Norman Kestel, 44, of 1803 Townsend Canyon Road, Jack H. Osherson, 41, of 2441 Fairview Ave., Alameda, and John F. Neenan, 51, of 11222 13th St.

(Indicate page, name of newspaper, city and state.)

C-1 The Herald-Examiner
Los Angeles, Calif.

Date: 2/24/65
Edition: 7th Star
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office: LA
[] Being Investigated

32-656

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In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Richmond, Virginia

February 26, 1965

RE: THOMAS H. KUCHEL

On February 23, 1965, a source, who has furnished reliable information in the past, advised the Richmond Office of the Federal Bureau of Investigation that he received a copy of an affidavit concerning activities of THOMAS H. KUCHEL while he was State Comptroller for the State of California in 1949. This document is executed by NORMAN H. KRAUSE, described as a former member of the Los Angeles Police Department.

A copy of this document is attached hereto and made part of this memorandum.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 27 1965	
FBI - LOS ANGELES	

[Signature]

2/26/65

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REGISTERED MAIL

TO: DIRECTOR, FBI

FROM: SAC, RICHMOND (62-
THOMAS H. KUCHEL
United States Senator
from California

100 62' sub
ref - 62-2469-2073

b2

plus other refs

Enclosed for the Bureau are four copies of an LHM suitable for dissemination.

The established Confidential Source described in LHM is CS [redacted] who is a very influential business executive in [redacted] and who has furnished reliable information in the past. Source has only the highest regard for the Director of the FBI, is a staunch supporter of all activities of the FBI. The information was furnished source by [redacted], and he does not wish to have his source compromised.

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Copy of this airtel as well as a copy of LHM are furnished the Los Angeles Division in the event further inquiries within that Division are desired.

[redacted] is identical to [redacted] who has been in correspondence directly with the Bureau in the past.

b7C

No further action with respect to this matter is contemplated by Richmond, UACB.

- 3 - Bureau (Encl. 4) (REGISTERED MAIL)
- ① - Los Angeles (Encl. 1) (REGISTERED MAIL)
- 2 - Richmond
 - (1 - 62-)
 - (1 - 170-6)

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32-656-28

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5 MAR 1 1965	
FBI - LOS ANGELES	

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Record of Testimony in Kuchel Case Revealed

Grand Jury Hearing Transcript Details Preparation of Defamatory Affidavit

BY RON EINSTOSS

Times Staff Writer

Details of meetings leading to preparation of a defamatory affidavit wrongly accusing Sen. Thomas H. Kuchel of having been arrested on a morals charge were made public Wednesday.

Testimony of Norman H. Krause, 44, former Los Angeles police officer and one of four men indicted on charges of conspiracy to criminally libel Kuchel, traced the origin of the so-called "smear sheet."

Krause was the only one of the four to testify before the grand jury last month. The 816-page transcript of testimony became public record after being filed with the county clerk.

Thought Probe Official

It revealed Krause believed the other three men were engaged in "an official government investigation." He testified they were introduced to him as "investigators" but no hint of whom they represented was given.

"I was told that they had some fear that there was pressure being placed on Mr. Kuchel in his position by an organization that had this information and was affecting his public record and they wanted the information for purely confidential reasons," Krause testified.

Krause testified with Krause, D. Clemmons, 44, from the Los Angeles County District Attorney's office, and Fergus, 40, as spokesmen for the group.

sharp-Schick, and Francis J. Capell, 57, editor of the ultra right-wing publication Herald of Freedom.

Krause said a police lieutenant introduced the men to him last spring or summer as investigators working on a

case regarding an arrest he (Krause) had made in 1950.

"Mr. Capell showed me several police cards and indicated to me in a conversation that he had done considerable amount of investigating for various police departments throughout the country," Krause testified.

Krause said he met with the men on various occasions at his beer bar at Pico Blvd. and Wellesley Ave.

"I told them that we had made an arrest in 1949 or '50. I don't recall the date, and to the best of my knowledge the person that we had arrested was Mr. Kuchel, as I honestly believe it was," Krause related.

Testifies on Statement

"The other parties involved indicated to me that this information was being used solely for the purpose of finding out if the wrong people had been arrested at the time of the arrest," Krause testified.

He testified Fergus eventually asked him if he would sign a typed statement and he agreed to do so. Fergus then came to another restaurant owned by Krause in Topanga Canyon, accompanied by a notary public, Amy Robertson, and he signed the statement, Krause testified.

"If I had any idea that this document which I signed would have been circulated anywhere except in an official capacity, I would never have signed that document," Krause told the grand jury.

"Did either Mr. Capell or Mr. Fergus or Mr. Clemmons indicate to you that they belonged to any groups or organizations that might use this information?" Krause was asked.

"No," he replied.

Confronted with original police records of the arrest, fingerprint evidence and description of the man arrested, Krause said, "There is definitely a doubt in my mind that it was Mr. Kuchel."

Several witnesses before the grand jury, including some who have been identified with various so-called right-wing or ultra-conservative organizations, testified they received copies of the Krause affidavit in the mail.

Fergus' Employment

Patrick J. Frawley Jr., chairman of the board and president of Everbark-Schick, testified Fergus had been employed by him for about two years as a salesman and "to make speeches on free enterprise and against communism" before local groups.

Frawley, who conferred at length before the grand jury, testified Fergus had been employed by him for about two years as a salesman and "to make speeches on free enterprise and against communism" before local groups.

(Indicate page, name of newspaper, city and state.)

I-2 Los Angeles Times
Los Angeles, Calif.

Date: 3/4/64
Edition: Home
Author: Ron Einstoss
Editor: Nick B. Williams
Title: Senator Thomas H. Kuchel (R-Calif.)

Character:
or
Classification:
Submitting Office: LOS ANGELES
☐ Being Investigated

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Frawley said he had an opening on his sales force at the time and thought Fergus would make a good salesman, in addition to being able to make speeches.

Instructions Given

He instructed Fergus not to single out individuals who might be Communists, but to stick to the approach of Dr. Fred Schwarz and talk on the general subject of communism in his speeches, Frawley added.

Frawley disclosed that at the time he hired Fergus he asked Fergus if he was a member of the John Birch Society. Fergus said he was not a member, Frawley testified.

Frawley testified that he did not know either Clements or Krause, but said he "understands" he had met Capell. He said he was aware that Capell was connected with the "Herald of Freedom."

He first became aware of the alleged Kuchel arrest about a year ago when Fergus told him that Sen. Kuchel had been arrested "drunk in some kind of homosexual charge," Frawley continued.

'Sorry to Hear It'

He told Fergus, "It's too bad, sorry to hear that," he added.

He said that last fall, about election time, Mrs. Robertson, a secretary at Ever-sharp-Schick, told him that she was questioned by police who asked her if Frawley had directed her to notarize the affidavit.

The only thing he knew about the affidavit at that time was that it was a state-

ment by a former police officer, he added.

It was not until about five days prior to his appearance before the grand jury, Frawley said, that he learned the general contents of the affidavit. He said that occurred when Mrs. Robertson again came to him and told him she was questioned a second time by police officers.

She said, according to Frawley, that police again were attempting to connect him with the affidavit through Fergus and Mrs. Robertson.

Questions Fergus

Frawley said he immediately called in Fergus and questioned him about the matter. He said Fergus told him at that time that he appeared before the grand jury but refused to testify because he could not bring his attorney into the grand jury room.

Frawley also recalled that earlier he had attended a luncheon at which Police Chief William H. Parker was present.

He said Parker told him Sen. Kuchel was "angry at me, or angry at Fergus for spreading some story about his (Kuchel's) arrest."

Frawley said he told Parker "I haven't spread any stories, I don't know what you're talking about." He quoted Parker as saying "it was a case of mistaken identity."

Nearly Fires Fergus

After his conversation with Parker, Frawley testified, he nearly fired Fergus after telling him "I don't like to get involved in anything like this." He said he kept Fergus on the payroll only because Fergus told him he was ill and in need of hospital care.

Four days prior to his appearance before the grand jury, he again talked to Fergus about the matter in the presence of both their attorneys and for the first time saw a copy of the affidavit, Frawley continued.

He said he questioned Fergus about it and Fergus told him that Capell wanted to talk about "these rumors about Kuchel."

Fergus was quoted by Frawley as having told him that Capell wanted to know if anyone had proof of Kuchel's arrest.

Fergus, according to Frawley, told Capell he knew an officer who knew someone, and Capell's answer was "I want to see who the man is."

Frawley testified that Fergus told him he then introduced Capell to an officer who arranged the meeting with Krause, which subsequently led to the signing of the affidavit.

Frawley said Fergus told him that after the affidavit was signed by Krause, it was sent by him to Capell.

(Mount Clipping in Space Below)

Sen. Kuchel Libel Action Postponed

Court action against four men indicted last month on charges of conspiring to libel Sen. Thomas Kuchel (R-Calif.) was continued Friday by Superior Judge David W. Williams until April 19.

The four are Francis A. Capell, 57, of Zarephath, N.J.; Norman R. Krause, 44, of 1980 Topanga Canyon Road; Jack D. Clemmons, 41, of 6628 Tampa Ave., Reseda, and John F. Fergus, 47, of 7466 Ninety-third Place.

The continuation was granted at the request of the defense attorneys.

(Indicate page, name of newspaper, city and state.)

I 16 TIMES
Los Angeles, Calif.

Date: 3/20/65

Edition: Home

Author:

Editor: Nick B. Williams

Title:

Character:

or

Classification:

Submitting Office: Los Angeles

☐ Being Investigated

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SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
6 MAR 10 1965	
FBI - LOS ANGELES	

(Mount Clipping in Space Below)

Ex-Policeman Retracts in Kuchel Libel Case

**Pleads Guilty to Misdemeanor Offense
and Sends Senator Letter of Apology**

Norman K. Krause, former policeman indicted for the alleged criminal libel of Sen. Thomas H. Kuchel (R-Calif.), made a public retraction Friday and offered his "deepest and sincere apology" to the senator.

Krause was one of four men indicted by the county grand jury for circulating a statement last June alleging that Kuchel had been arrested in 1949 by Krause on a morals charge.

Krause pleaded guilty Friday to a misdemeanor offense of wilfully and wrongfully using another's name in a manner affecting that person's moral reputation.

Letter of Apology

Krause also made public a letter of apology which he said had been sent to Kuchel. It read:

"Let this letter constitute my deepest and sincere apology and public retraction of my sworn affidavit of June 3, 1964, wherein I falsely averred that you were arrested by me and my fellow officer, Donald McClelland, in the latter part of 1949.

"Since the making of the affidavit I have had the opportunity of reviewing the transcript of the evidence presented to the Los Angeles County Grand Jury relative to the matter, and I am now absolutely convinced that you were not personally involved in any arrest made by me, either in 1949, 1950, or any other time.

"I hope you will recognize that my error, though extremely serious and far-reaching, was not made with malice toward you, but under circumstances which appeared justified to me at that time. When reviewed with my present knowledge, however, my act was totally unwarranted.

Sentencing Set

"Fortunately, the high esteem in which you are held by your constituency, of which I consider myself privileged to be a member, could not be tarnished by my gross imprudence, but I nevertheless am compelled by my own conscience to tender this apology. Humbly, my hope is for its acceptance."

Superior Judge Adolph Alexander set sentencing of Krause for Aug. 3 on the misdemeanor plea.

Three co-defendants, Jack D. Clemmons, 41, John F. Fergus, 47, and Francis A. Capell, 57, pleaded not guilty to the indictment. Trial was set for June 24.

Krause changed his plea after Judge Alexander had denied motions for him and Clemmons to dismiss the indictment on grounds of insufficient evidence.

Attorney John La Follette withdraw dismissal motions in behalf of Fergus and Capell, protesting that the court was prejudiced to the defendants, the indictment was "full of falsehoods" and the transcript was "a fairy tale."

It was indicated that Krause will be a witness at the trial.

(Indicate page, name of newspaper, city and state.)

Part 1, Page 3,
"Los Angeles Times",
May 5, 1965

Date:

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

32-656-31

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - LOS ANGELES	

6/3/65

AIRTEL

AIR MAIL

TO: DIRECTOR, FBI ATTN.: IDENTIFICATION DIVISION
FROM: SAC, LOS ANGELES (32-656)
SUBJECT: THOMAS H. KUCHEL
 U. S. Senator (R - Calif.)
 INFORMATION CONCERNING
 IDENTIFICATION MATTER

Re Los Angeles letters to Bureau 11/18/64 and 1/26/65.

On 6/3/65 Deputy District Attorney JOSEPH P. BUSCH, JR., Los Angeles County District Attorney's Office, advised SAs [redacted] that he was handling the prosecution of the individuals charged with conspiracy to commit criminal libel in the allegation made against U. S. Senator THOMAS H. KUCHEL. Mr. BUSCH stated the Los Angeles County Grand Jury indicted NORMAN H. KRAUSE, JACK D. CLEGGONS, FRANCIS A. CAPELL and JOHN F. FERGUS. As the Bureau has been previously advised, this indictment resulted from the circulation of an affidavit by NORMAN H. KRAUSE, former Los Angeles police officer, alleging KUCHEL was [redacted]

b7C

b2

KRAUSE has entered a guilty plea to a misdemeanor offense of willfully and wrongfully using another's name in a manner affecting that person's moral character. KRAUSE is scheduled for sentencing on 8/3/65. [redacted] FERGUS and CAPELL have pled not guilty and trial is scheduled for 6/24/65.

b7C

Deputy DA BUSCH advised that in presenting this case to the Grand Jury he had used correspondence from FBI headquarters reflecting the FBI has no record of arrest for Senator KUCHEL. Investigation by the Los Angeles Police Department (LAPD) determined that the two individuals actually

4 - Bureau
2 - Los Angeles

JGW:CEA

(6)

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FILED —

22-656-102

LA 32-656

arrested in the incident which former LAPD Officer KRAUSE attributed to Senator KUCHEL were in fact [redacted]

[redacted] Sacramento, California. At the time of arrest [redacted] were fingerprinted and sets of the prints were sent to the Identification Division, FBI, and to the Bureau of Criminal Identification and Investigation (CII), Sacramento. At the time investigation in this matter was undertaken by the LAPD last year, a thorough search of CII records failed to locate the fingerprint records for [redacted]. Accordingly BUSCH advised he used photostat copies of fingerprints on file with the FBI to show that they were date stamped in the Identification Division of the FBI in 1950 shortly after the arrest of [redacted].

BUSCH stated he now feels it is vital to the prosecution of this case that someone from the Identification Division of the FBI be available to testify in the forthcoming trial. He suggested that [redacted] Identification Division, FBI, would be the logical man to testify as his name appears on the fingerprint card of the fingerprints the FBI took of Senator KUCHEL in Washington, D. C. These fingerprints were sent to the Identification Division by the LAPD and the FBI advised no record was located for Senator KUCHEL. Mr. BUSCH stated he desired an FBI Identification man to testify to the following items:

- (1) Introduce the original fingerprint cards on file at the Identification Division for [redacted] and attest to the authenticity of the date stamp on the back of these fingerprint cards.
- (2) On the theory the FBI retained a copy of Senator KUCHEL's fingerprints, introduce the original fingerprint card of Senator KUCHEL and testify that a search of the FBI records, Washington, D.C., failed to locate any arrest record for Senator KUCHEL. In connection with this testimony BUSCH requests the FBI Agent bring the copy of KUCHEL's prints used to search the FBI records.

BUSCH stated trial is scheduled to commence on this matter on 6/24/65; however, he anticipates testimony of the Agent

LA 32-656

from the FBI Identification Division would not be needed until approximately the first week in July. BUSCH assured interviewing Agents that he would promptly advise the Los Angeles Office of the FBI the exact date the testimony of the FBI fingerprint man would be needed and would insure that the Bureau would be advised of any changes.

BUSCH pointed out that the defense is contending records of the LAPD have been doctored, and he feels testimony of the FBI fingerprint expert is essential to verify the arrest of [REDACTED] b7C

The Bureau is requested to advise if an Agent can testify along the lines requested by Deputy DA BUSCH.

[REDACTED]
LOS ANGELES 46, CALIFORNIA

b7C

29 May 1965

Mr. John Temple, Special Agent
Federal Bureau of Investigation
1340 West Sixth Street
Los Angeles 17, California

Dear Jack:

I feel that I should communicate to you, for whatever it may be worth, a correction of the record in a matter wherein the Federal Bureau of Investigation is mentioned.

Very recently I was shown that portion, wherein my name appears, of the sworn testimony of a Sergeant Duncan, a member of what I understand to be the intelligence division of the Los Angeles Police Department--testimony given some weeks ago to the grand jury of Los Angeles County during the grand jury's investigation that led to indictments in the Kuchel case.

Testimony before the grand jury in that case has, of course, been made public.

Unfortunately, I did not have an opportunity to copy the part of the Duncan testimony to which I am referring. I am thus unable to quote it directly. However, I know that the Sergeant was telling of having interviewed Jack Clemmons, then a Sergeant in the Los Angeles Police Department. As I recall it, the Duncan testimony turned to an occasion upon which Sergeant Clemmons and John Fergus brought Frank Capell of New York (then visiting in Los Angeles) to my residence for the purpose of introducing him in his capacity as an anti-Communist editor and researcher. It developed that Mr. Capell desired to ask me whether I had any information about certain individuals in the motion picture industry. In identifying me for the jury, Sergeant Duncan--though

*ack
6/1/65 JST:kip*

32-456-33

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SERIALIZED.....	FILED.....
JUL 1 1965	
F. I. - LOS ANGELES	

JST

misspelling my last name, a not uncommon occurrence--referred to me as "an FBI informant".

Sergeant Duncan went on, I believe, to say that I was a "member" of the Motion Picture Alliance, and that data provided by me to the House Committee on Un-American Activities were instrumental in setting up that Committee's 1952 hearings in the Hollywood motion picture industry.

It is entirely true that, prior to 1952, in 1952, and thereafter, I was a member of the Motion Picture Alliance for the Preservation of American Ideals; the now-defunct anti-totalitarian organization long active in the motion picture and television industries. But I regret that I must disclaim any credit for having supplied the Committee on Un-American Activities (or, for that matter, any agency, group, organization, or individual) with information contributing to the 1952 hearings. Needless to say, had I been able to help I would most certainly have done so.

In April 1954 I became Executive Secretary--a title later changed to Executive Director--of the Motion Picture Alliance. From that time until my resignation in July 1960 I did, indeed, in my official capacity cooperate to the best of my ability with authorized and appropriate agencies of the United States Government in the area of our mutual interest. This, naturally, is hardly a secret.

But it is not Sergeant Duncan's statements about the Motion Picture Alliance that prompt me to communicate with you. My point of interest is the term, "FBI informant". If having cooperated with the Federal Bureau of Investigation in this nation's interests confers that title upon me, I accept it gladly, happy that I might have been of some assistance, however small. But what I want to emphasize, and emphasize as strongly as possible, is that never at any time have I called myself, or represented myself, as an "FBI informant". Nor, to the best of my knowledge, have I ever said anything that might lead anyone to apply that title to me.

I should make it clear that I mean no criticism of Sergeant Duncan. I have never met him nor talked to him. Neither have I been interviewed by anyone conducting official investigations related to the Kuchel case. I do not know, therefore, whether Sergeant Duncan was testifying that he regarded me as an "FBI informant" or whether he was reflecting an impression, however erroneous, gathered from Sergeant Clemmons.

All in all, the error by Sergeant Duncan would be of little importance unless the Bureau happens to hold any views to the contrary. It is in connection with the latter possibility that I write. I very definitely would not wish the Federal Bureau of Investigation, or individuals in the Bureau with whom I regard myself as fortunate in being acquainted, to believe that I have misrepresented, or would misrepresent, any conversations I have had with these individuals. I am confident you will feel that this is true.

Cordially



b7C

MR:awr

1340 West Sixth Street
Los Angeles, California 90017
June 1, 1965

[redacted]
Los Angeles 46, California

Dear [redacted] b7C

Your letter of May 29, 1965 has been received and I certainly appreciate the concern which prompted your writing us.

The contents of your communication are being made a matter of permanent record in the files of this Bureau.

Very truly yours,

1 - Addressee
1 - Los Angeles (32-656)
JST:bjs
(2)

WJG
WESLEY G. GRAPP
Special Agent in Charge

b7C

*also telephonically
Controlled & advised his letter
would be moved into file.
JST 6-1-65*

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32-656-24

F B I

Date: 6-8-65

Transmit the following in _____

(Type in plaintext or code)

Via airtel _____

(Priority)

To: SAC, Los Angeles (32-656)

From: Director, FBI (62-98689)

THOMAS H. KUCHEL
U. S. SENATOR (R - CALIF.)
INFORMATION CONCERNING
IDENTIFICATION MATTER

Reurairtel 6-3-65.

b7C

Fingerprint Examiner [redacted] will be available to testify at trial in this matter.

Bureau files reflect that on 11-3-64 FBI Identification Division received letter from Los Angeles Police Department enclosing Photostat of fingerprints of Senator Kuchel taken at the Bureau on 10-21-64 (apparently furnished to the Los Angeles Police Department by Senator Kuchel), with the request they be searched against our files. Letter signed by [redacted] Intelligence Division. Bureau replied to this letter that no arrest record located and returned the Photostat. Inasmuch as this is the record Deputy District Attorney Joseph P. Busch, Jr., Los Angeles County, apparently intends to use at trial, it will be necessary that the Photostat on which the Bureau reply was based be available in connection with examiner's testimony. Original of Senator Kuchel's fingerprints from FBI files will be taken to the trial by examiner. Both sets of fingerprints of Senator Kuchel were taken by [redacted] who is not a fingerprint technician. However, Examiner [redacted] can testify as assistant custodian of FBI Identification Division records. Check with Deputy District Attorney Busch to be sure this is satisfactory in order to obviate appearance of employee [redacted]

b7C

b7C

In addition, fingerprints of [redacted] Los Angeles Police Department [redacted] and [redacted] Los Angeles Police Department

Sent Via _____

b7C

M

cc: LA
T 7/10
gn

32-656-35

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FBI - LOS ANGELES	

[redacted]

Airtel to Los Angeles
THOMAS H. KUCHEL
U.S. SENATOR (R - CALIF.)
INFORMATION CONCERNING
IDENTIFICATION MATTER
62-98689

[] reflecting arrests on 2-11-50 by Los Angeles Police Department on charges of "drunk" and "drunk driving" respectively will be taken to trial by examiner. These prints were taken by Officer [] who will be a necessary witness. It is noted that the fingerprint card on [] contains notation "Refused To Sign." No additional arrest record located for [] or [] b7C

You should discuss this matter with Deputy District Attorney Busch to arrange for the Photostat of Senator Kuchel's fingerprints to be available at the trial. In addition, arrangements for the appearance of Officer [] who took prints of [] should be made.

Advise the Bureau, attention Identification Division, promptly of date Examiner [] is to appear when that date becomes known. b7C

6/16/65

A I R T E L

AIR MAIL - REGISTERED

TO: Director, FBI (62-98689) ATTENTION: IDENTIFICATION
DIVISION
FROM: SAC, Los Angeles (32-656)
RE: THOMAS H. KUCHEL
U. S. SENATOR (R-CALIF.)
INFORMATION CONCERNING
IDENTIFICATION MATTER

Re Bureau airtel to Los Angeles dated 6/8/65.

Deputy District Attorney JOSEPH P. BUSCH, Jr., was contacted on 6/15/65 following his return from vacation. Mr. BUSCH advised that the testimony of Fingerprint Examiner [] as outlined in referenced Bureau airtel will be satisfactory. He requested, however, if [] can search the original fingerprint card of Senator KUCHEL on file at the Identification Division to testify that this original fingerprint card was searched against FBI records with negative results. Mr. BUSCH further advised that if necessary he has the photostat of Senator KUCHEL's fingerprints which will be available for use at the trial. b7C

Mr. BUSCH advised that Officer [] Badge [] has been notified he will be a necessary witness at the forthcoming trial.

Mr. BUSCH stated he was confident that the testimony of Fingerprint Examiner [] would be sufficient and it would not be necessary to use []. Mr. BUSCH further advised he will promptly advise the Bureau as soon as he determines the date it will be necessary for Examiner [] to appear. b7C

4 - Bureau (REGISTERED)
① - Los Angeles

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(5)

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FILED —

6/22/65

AIRTEL

REGISTERED MAIL

TO DIRECTOR, FBI [REDACTED]
FROM SAC, NEWARK (65-5712) (P)
SUBJECT FRANK A. CAPELL
ESP - X

b2

b7D

*47-9077-possible subject
not pertinent*

The following is being submitted for the information of Los Angeles:

Captioned subject publishes a bi-monthly newsletter, "The Herald of Freedom" which he describes as an anti-communist educational-type publication. He is also the author of booklets entitled "The Threat From Within" and "The Strange Death of Marilyn Monroe". His most recent book, "Treason is the Reason" was released on 4/26/65.

[REDACTED] of the New York Office in February of 1962 when he became publicly involved in anticommunist activities. He described himself as a person who has been fighting communism "officially and unofficially for 25 years". He has made public appearances and speeches throughout the country during which he speaks about his anticommunist work.

b2

b7D

Subject, a former resident of Staten Island, New York, now lives in Zarephath, N.J. Although he had been

b7D

b7C

on his part.

3- Bureau (RM)
1- Los Angeles (INFO) (RM)
2- Newark
PJB:cas
(6)

b7C

32-656-27

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SERIALIZED	FILED
JUN 26 1965	
FBI - NEWARK	

[REDACTED]

NK 65-5712

On 2/17/65 subject was named in an indictment returned by a Los Angeles County Grand Jury charging him and three others with criminal libel. In the New York "World Telegram" issued on 2/25/65, a front-page article disclosed that the indictments were "the outgrowth of nationwide distribution of an affidavit signed by a former Los Angeles, California, policeman who alleged, falsely, that Senator THOMAS M. KUCHL of California had been picked up there in 1950 for a morals offense with another man.

It was recently determined that subject has a source in government who is furnishing him classified information.

We are conducting discreet investigation, utilizing the services of [] in an effort to ascertain the identities of subject's sources, particularly those in government.

b2

Through coverage of subject by [] it has been ascertained that subject's trial in Los Angeles is scheduled to start 6/24/65. Subject's attorney is JOHN LA FOLLETTE, Hollywood, California, 213 (area code) 461-9955.

Subject left for Los Angeles on 6/20/65. While in Los Angeles, subject will stay with WARREN HENDERSON, telephone no. 213-788-4498. HENDERSON is serving as counsel for one of the other defendants in the case. HENDERSON is making accommodations available to subject at his apartment, as HENDERSON's wife will be away for the summer.

Newark has no reason to believe subject has any intentions of contacting the Los Angeles Office.

In the event Los Angeles may be requested to make inquiry regarding subject at a later date, such inquiry must be made through established sources so that subject does not become aware of our interest in him.

7/1/65

A I R T E L

AIR MAIL - REGISTERED

TO: Director, FBI (62-98689) ATTENTION: IDENTIFICATION
DIVISION
FROM: SAC, Los Angeles (32-656)
RE: THOMAS H. KUCHEL
U. S. SENATOR (R-CALIF.)
INFORMATION CONCERNING
IDENTIFICATION MATTER

Re Bureau airtel to Los Angeles dated 6/8/65.

Deputy District Attorney JOSEPH P. BUSCH, JR., Los Angeles County advised SA [redacted] on 6/30/65 that FRANCIS A. CAPELL and JOHN F. FERGUS had entered a plea of nolo contendere to a lesser charge of wilfully and wrongfully affecting the moral reputation of a person. CAPELL, FERGUS and [redacted] were scheduled to commence trial on a charge of conspiring to criminal liable Senator THOMAS H. KUCHEL, (R-CALIF.). The District Attorney's Office has entered a motion to drop the charges against [redacted] Superior Court Judge BERNARD S. SELBER fixed a date of 7/19/65 for sentencing and probation hearing for FERGUS and CAPELL and on the same date will issue a ruling on the motion to drop charges against [redacted] In view of the above developments, it is extremely unlikely that Fingerprint Examiner [redacted] will be needed as a witness to testify in this case.

b7C

The Bureau will be advised when Judge SELBER has entered a final ruling in this case.

4 - Bureau (REGISTERED)
① - Los Angeles

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(5)

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32-656-8

(Mount Clipping in Space Below)

Two Granted Probation in Kuchel Libel Case

\$500 Fines Attached to Three-Year Period on Charge of Circulating False Affidavit

Two men who apologetically admitted circulating a libelous affidavit about Sen. Thomas H. Kuchel (R-Calif.) were placed on three years' summary probation Monday and were fined \$500 each.

Francis A. Capell, 57, publisher of a right wing newsletter, and John F. Fergus, 47, former Schick Safety Razor Co. public relations man, received the sentences on their previous pleas of no contest in a misdemeanor charge of circulating a false report adversely affecting the senator's moral reputation.

A similar charge against Jack D. Clemmons, 41, former Los Angeles police sergeant, was dismissed by Superior Judge Bernard S. Selber upon recommendation of the district attorney's office.

Full Apologies Made

Clemmons, termed the least culpable of the defendants, had joined Capell and Fergus last month in making full apologies and admissions of error.

A fourth defendant, ex-policeman Norman H. Krause, 44, of 1980 Topanga Canyon Road, Topanga, made a public apology to Kuchel last May 7, pleaded guilty to a similar misdemeanor and will be sentenced Aug. 3.

Krause had signed the affidavit which falsely charged that he had arrested the senator in 1948 or 1950 on a drunk charge with homosexual involvement.

Fergus and Capell were instrumental in circulating the document. Clemmons was accused of bringing the principals to the case together.

Must Submit Writings

In sentencing Capell and Fergus, Judge Selber ruled that they must submit all their writings while on probation for scrutiny by Chief Trial Dep. Dist. Atty. J. Miller Leavy and Dep. Dist. Atty. Joseph Busch Jr. Under summary probation, the defendants will not be required to report to a probation officer.

They also were reported not to make oral or written comments about the case and not to associate with each other.

The probation department would have preferred a more severe sentence. In a report to the judge, a probation officer wrote that he

could find nothing to mitigate the guilt of Capell and Fergus.

The pair could have been sentenced to six months in jail.

Judge Selber commented that Capell, of Zarephath, N.J., and Fergus, 7185 93rd Place, "did some arm twisting" to obtain the false affidavit and "then with smirking satisfaction began to apply it to their own purposes—seemingly their own political extremist viewpoints."

The judge said a public official cannot be expected "to sit idly by without legal recourse while insidious and undercover vilifications are anonymously distributed with deliberate intention to harm and defame him."

The affidavit, said Selber, was clearly false, libelous and scurrilous.

Younger Concurs

Dist. Atty. Evelle J. Younger, in a written statement to the court, concurred in the falsity of the affidavit and sent along a 39-page report from handwriting expert Clark Sellers which included that documents and police reports show "the evidence is indisputable" that neither of two men arrested by Krause during a 1950 incident was Kuchel.

The men arrested were employees of the state controller's office, then headed by Kuchel, and this apparently led Krause to the mistaken

impression that one was Kuchel.

Krause, Capell, Fergus and Clemmons originally were indicted by the county grand jury on felony conspiracy charges but the charges subsequently were reduced.

The "no contest" pleas by Capell and Fergus are implied confessions of guilt, but cannot be used against the defendants in any civil suit for damages, Kuchel promised, before the apologies were signed, that he wouldn't sue if the defendants apologized.

As he was leaving the courtroom, Capell said: "I repeat I am terribly sorry. I never met Krause in the first place. The mass distribution of this affidavit was a terrible thing."

Capell added he had nothing to do with distributing the document—a contention he made throughout the case. He said he had been misled by Krause who had

Indicate page, name of newspaper, city and state.

Page 1, Los Angeles Times

Date: 7-16-65

Edition: 1st

Author:

Editor:

Title: THOMAS H. KUCHEL

LIBEL CASE (1965)

IN CALIFORNIA

CHARACTER:

or

Classification: 3

Submitting Office: Los Angeles

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 16 1965	
FBI - LOS ANGELES	

32-656-39

7/20/65

A I R T E L

AIR MAIL - REGISTERED

TO: Director, FBI (62-98689) ATTENTION: IDENTIFICATION
DIVISION
FROM: SAC, Los Angeles (32-656) (C)
RE: THOMAS H. KUCHEL
U. S. SENATOR (R-CALIF.)
INFORMATION CONCERNING
IDENTIFICATION MATTER

Re Bureau airtel to Los Angeles dated 6/8/65 and
Los Angeles airtel to Bureau dated 7/1/65.

Deputy District Attorney JOSEPH P. BUSCH, JR.,
Los Angeles County, advised SA [redacted] on 7/20/65
that FRANCIS A. CAPELL and JOHN F. FERGUS were sentenced
in California Superior Court on 7/19/65. CAPELL and
FERGUS were placed on three years summary probation and
fined \$500 each. Charges against [redacted] were
dismissed same date. NORMAN H. KRAUSE is scheduled to be
sentenced on 8/3/65 on a charge of conspiring to criminal
libel Senator THOMAS H. KUCHEL. b7C

[redacted] In view of the above, Fingerprint Examiner [redacted]
will not be needed to testify and this matter
is considered closed.

4 - Bureau (REGISTERED)
① - Los Angeles

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(5) *af*

SEARCHED ☒
INDEXED ☒
SERIALIZED ☒
FILED ☒

32-656-40

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, LOS ANGELES

DATE: 9/13/65

FROM : IC [REDACTED]

b7C

SUBJECT: JOHN FERGUS
INFORMATION CONCERNING

Mr. JOHN FERGUS, 7166 W. 93rd Pl., L.A., telephone OR 0-0112, personally contacted the writer at this office on 9/10/65 to relate the following information:

FERGUS advised he was a defendant in the Senator THOMAS KUCHEL slander case. He related that on 9/12/65 he received in the mail a mimeographed sheet which stated basically that Senator THOMAS KUCHEL was "white-washed." This sheet, therefore, implied or said in other words that the charge against Senator KUCHEL of having been arrested by police for lewd conduct was true.

FERGUS stated he is concerned in that he does not want anyone to assume that he is sending out the sheet.

FERGUS requested the writer to acknowledge that he brought the sheet into this office by signing the writer's name on the sheet. FERGUS displayed the sheet to the writer.

The writer explained to FERGUS that a copy of the sheet would be made and that his visit to this office would be made a matter of record, but that the function and purpose of the FBI did not extend to the writer, as a representative of the FBI, making such a notation on the sheet.

FERGUS stated this would not be sufficient. He was upset and stated that he has had this problem in the past where he had given information to agencies, and that later in court, the agencies denied that he had given them the information. FERGUS stated he had no proof because the agencies had not acknowledged receiving the information in writing.

FERGUS left the office rather abruptly, stating that he would take the matter up with his attorney.

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SEP 13 1965
FBI - LOS ANGELES

41

Indices Search Slip
FD-160 (Rev. 10-1-59)

TO: CHIEF CLERK

Date

9-10-65

Subject

John Pergus

Aliases

Address

Birth Date

Birthplace

Race

Sex

☐ Male

☐ Female

☐ Exact Spelling

☐ All References

☐ Main Subversive Case Files Only

☐ Subversive References Only

☐ Main Criminal Case Files Only

☐ Criminal References Only

☐ Main Subversive (If no Main, list all Subversive References)

☐ Main Criminal (If no Main, list all Criminal References)

☐ Restrict to Locality of

File & Serial Number	Remarks	File & Serial Number	Remarks
John P. Pergus			
32-656-7			
See summary - Memo dated 12-1-64			
serial 7-4 32-656			
32-656-18 7-2			
32-656-22			
PO-54-322			1
87-16293*			
John S. Pergus			
45-4001-46 #12			
41-2002-736			
SENATOR Thomas Kuchel			
most recent:	80-565-13 3/65; 170-3A-46A 2/65		
SENATOR Thomas H. Kuchel			
	9-3228 4/65 (does not pertain to slander case)		
	80-3-3752 6/65		

Requested by

Squad

Extension

File No.

Searched by

9-10-65
(date)

Consolidated by

(date)

Reviewed by

(date)

File Review Symbols

I - Identical
NI - Not identical

? - Not identifiable
U - Unavailable reference

(Mount Clipping in Space Below)

Gall Bladder Surgery Performed on Kuchel

Exclusive to The Times from a Staff Writer

WASHINGTON—Sen. Thomas H. Kuchel (R-Calif.) underwent surgery for removal of his gall bladder at Walter Reed Army Medical Center Monday. He was described as "progressing normally."

A spokesman for the 55-year-old assistant Senate minority leader said it was a "routine operation." Kuchel is expected to be in the hospital for about two weeks.

"He's in good shape," Kuchel's administrative assistant, Ewing Hass, said after the operation. Hass said the doctors found "everything else fine."

(Indicate page, name of newspaper, city and state.)

I-3 LA Times

Los Angeles, Calif.

Date: 3/8/66

Edition: Home

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office: LA

☐ Being Investigated

32-626-42

JAC

J

1/13/67

AIRTEL

AIR MAIL

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES (32-656)

RE: SENATOR THOMAS H. KUCHEL
INFORMATION CONCERNING

This is to advise of information received from postal authorities regarding a case under investigation by that agency and by local authorities.

Postal Inspector GORDON L. MINOR advised SA [] that Senator THOMAS H. KUCHEL had received a letter through the mails from [] alleging that the Nazi Party had information about homosexual activity by the Senator with persons from the Soviet Union. The Senator's office furnished this letter to the Los Angeles Police Department and to the postal inspectors. Los Angeles Police Intelligence interviewed [] and obtained from him an admission he had written the letter himself fabricating the information because he wanted to cause further embarrassment to the local Nazi group as well as to Senator KUCHEL, whom he considers to be "too liberal." b7C

MINOR continued he had discussed the matter with Assistant U.S. Attorney JOHN F. LALLY, Los Angeles. LALLY was of the opinion that there was a threat to injure the reputation of Senator KUCHEL but that the element of intent was missing. MINOR said [] had been charged by the Los Angeles County District Attorney with violation of California Penal Code Section 650½ (a misdemeanor), which is disorderly conduct. A decision is being awaited from Senator KUCHEL as to whether he desires [] be prosecuted. b7C

3 - Bureau (RM)
1 - Los Angeles
EJK:mca
(4)

Am

SA [Signature]

LA 32-656

b7C [redacted] Senator KUCHEL's Los Angeles office, learned of prior investigation and inquired of SA [redacted] if this office was conducting any current investigation of [redacted]. She was aware of investigation by local and post office authorities. She was concerned about any bad publicity which Senator KUCHEL might incur as a result of a letter received by him. She was advised this is a postal matter.

It is to be noted that [redacted] was investigated by the Bureau under the Security of Government Employees category on the basis of his alleged statement that he was a member of the American Nazi Party in 1965. He is now employed by the Sylmar Post Office.

The foregoing is submitted for the information of the Bureau and no action is being taken by this office.

(Mount Clipping in Space Below)

Laughlin E. Waters, former Republican state chairman and one-time U.S. Attorney for Southern California, and Harry J. Keaton, former California Young Republicans president, were named chairman and vice chairman, respectively, of the Los Angeles County campaign for Sen. Thomas H. Kuchel (R-Calif.).

(Indicate page, name of newspaper, city and state.)

I-2 LA Times
Los Angeles, Calif.

Date: 3/20/68
Edition: Home
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office: LA
☐ Being Investigated

32-656-44

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 29 1968	
FBI - LOS ANGELES	

April 1, 1968

Honorable Thomas H. Kuchel
United States Senate
Washington, D. C. 20510

My dear Senator:

I want to express my appreciation for your having inserted in the Congressional Record of March 28th an excerpt from my message in the February issue of the FBI Law Enforcement Bulletin concerning the fallacies of a national police force, and for your acknowledgment of the FBI training programs afforded local law enforcement agencies. I am pleased that you found these items worthy of being brought to the attention of your colleagues, and I want to thank you for your support.

Sincerely yours,

J. Edgar Hoover

1 - Los Angeles

32-656-45

SEARCHED	INDEXED
SERIALIZED <i>ML</i>	FILED <i>ML</i>
APR 2 1968	
FBI - LOS ANGELES	

[Signature]

[Faint handwritten notes]

✓

chel

05

Sal

(Title) U. S. SENATOR THOMAS H.
KUCHEL
(File No.) 32-656

1. Signed statement by Norman Krause 12-1-64 (12-15-64) js
2. 1 xerox copy of affidavit by Norman H. Krause (12-15-64) js

Disposition:

32-656-1a
SEARCHED
SERIALIZED
INDEXED
FILED
FBI - LOS ANGELES
JAN 13 1965
ek

SENATOR THOMAS H.

5-64) ja

2-15-64) ja

File No. 32-656-1a1Date Received 12-1-64From Norman Krause
(NAME OF CONTRIBUTOR)1980 N. Papanga Blvd
(ADDRESS OF CONTRIBUTOR)Papanga Calif
(CITY AND STATE)By
(NAME OF SPECIAL AGENT)To Be Returned Yes ☐
No ☒

Description:

Signed Statement

b7C

JL

December 1, 1964

Los Angeles, California

b7C

I, Norman Harold Krause, make the following
voluntary statement freely to SA [redacted]
and [redacted] who have identified themselves
to me as Special Agents of the FBI. SA [redacted] has
told me I do not have to make the statement, and
the statement could be used in a court of law.

I presently reside 1280 N. Popanga Blvd, Popanga
California.

Some day last June, 1964, 3 men contacted me
at my place of business, 12244 West Pico Blvd, L.A.
One of the individuals was a police officer named
[redacted] (phonetic) whom I had previously worked with
at the [redacted] [redacted]
to me as a Lt. LAPD, and indicated the two people
with him, one named Jack and the other I don't
recall, were from back east and were conducting
an official investigation. [redacted] requested that
I give the two people with him any information
they requested. The two people with [redacted]
indicated also they were conducting an
investigation, but they did not indicate
W.H.K.

b7C

b7C

for whom they were conducting the investigation. At no time did the two people with [redacted] indicate they were with the FBI or any Federal Agency. The only reason I gave these people any information was because they were brought to me by [redacted] whom I knew to be a LAPD officer. b7C

I HAVE READ THE ABOVE STATEMENT
CONTAINED ON THIS & ONE OTHER PAGE & TO THE BEST
OF MY KNOWLEDGE IT IS TRUE & CORRECT.

Thomas H. Graver

[redacted] Special Agent, FBI 12/1/64 Los Angeles
California

b7C

[redacted] Special Agent, FBI 12/1/64, Los Angeles,
California

File No.

LA 32-656-1a²

Date Received

12-7-64

From

1717 N. Highland
J. J. [unclear]
(ADDRESS OF CONTRIBUTOR)

By

To Be Returned

Yes ☐No ☒

Description:

1 Xerox Copy of
Affidavit of
Norman H. Krause

b7C

Memo From
H. FRANK ANGELL
INVESTIGATIONS

SUITE 410
1717 No. HIGHLAND AVENUE
HOLLYWOOD 28, CALIFORNIA
HO 9-7477

To:


Re:

DATE: 12/4/64

Dear Homer:

Enclosed the affidavit discussed last night with
you on the telephone.

Sincerely,


H. Frank Angell
HFA:ja
Encl: Affidavit

1717
Personal

Mr. Homer Young
F.B.I. Building
1340 West 6th Street
Los Angeles, California



PD 157-1432

b2

b7D

b7C

b6

This investigation is based on information which indicates that the Sheriff's Posse Comitatus (SPC), also known as Posse Comitatus, is engaged in activities which could involve a violation of Title 18, U. S. Code, Section 1114 (Assaulting or Killing a Federal Officer), Section 2383 (Rebellion or Insurrection), Section 2384 (Seditious Conspiracy), or Section 241 (Civil Rights Act, 1968).

[redacted] Portland, Oregon, is [redacted] of SPC, which claims to have chapters in approximately 40 states. It advocates formation of a "Posse Comitatus," a voluntary group of citizens who would act in the name of local sheriffs to enforce the law. The group advocates tax rebellion and has urged the arrest by the posse of Internal Revenue Service (IRS) Agents attempting to enforce the Internal Revenue Code. It claims to have the lawful right under natural law to act in the name of the sheriff in protecting local citizens from unlawful activities, including the unlawful acts of officers of the government, whether these be judges or federal or state agents.

I. IDENTITY OF ORGANIZATION

The SPC, also known as Posse Comitatus, has a mailing address of [redacted] Portland, Oregon. This is the Portland residence of SPC [redacted] who resides for varying periods in Portland and in North Powder, Oregon. Literature explaining the SPC movement is mailed from [redacted] under the name of the Citizens Law Enforcement and Research Committee (CLERC), which is solely controlled [redacted] had previously printed literature under the CLERC name from [redacted] Portland, Oregon, which is the location of his former place of employment.

[redacted] 4/10 & 4/12/74.
5/22/73.

A. Origin of Organization

The SPC is an outgrowth of a now defunct Portland chapter of the Identity Group.